



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>



ACTS

OF THE

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF KENTUCKY,

PASSED AT THE

REGULAR SESSION OF THE GENERAL ASSEMBLY, WHICH WAS
BEGUN AND HELD IN THE CITY OF FRANKFORT, ON
FRIDAY, THE THIRTIETH DAY OF DECEMBER,
EIGHTEEN HUNDRED AND EIGHTY-SEVEN.

VOLUME 2.

PROPERTY OF THE STATE OF KENTUCKY.

FRANKFORT, KY.

THE CAPITAL OFFICE, JOHN D. WOODS, PUBLIC PRINTER AND BINDER.
1888.

L 8480

NOV 1 1933

YRABU. ORON

CONTENTS.

PRIVATE ACTS PASSED AT DECEMBER SESSION, 1887.

	PAGE.
Chapter 455. An act to incorporate the Christian Church at Bethany, Morgan county.	1
Chapter 456. An act to amend an act, entitled "An act to incorporate the Central Transfer Company," approved April 16, 1884	2
Chapter 457. An act giving the constables of the Murry magisterial district, in Calloway county, the right to appoint a deputy	3
Chapter 458. An act to amend the charter of the Lexington Opera-house Company	3
Chapter 459. An act to incorporate the Methodist Protestant Church for the Tennessee District, which embraces a part of Kentucky.	4
Chapter 460. An act to enable the Newport and Licking, the Old State Road, and the Alexandria and Licking Turnpike Companies, in Campbell county, to consolidate, or to contract with each other to authorize the erection of a toll-gate and the collection of tolls for each other, and to fix the rate of toll in certain cases	6
Chapter 461. An act to legalize and ratify the subscription of the Boyle county court to the capital stock of the Boyle and Lincoln Turnpike Company	7
Chapter 462. An act to amend the charter of the Elizaville Cemetery Company, of Elizaville, Fleming county	8
Chapter 463. An act to authorize the county court of Pike county to issue bonds for the purpose of building a court-house and offices therein.	8
Chapter 464. An act to amend an act, entitled "An act to provide for appointing and electing commissioners for the county of Kenton, and defining their duties and the duties of other county officers, whose duties are connected with the duties of said commissioners," approved March 27, 1880.	10
Chapter 465. An act to prohibit the sale of intoxicating liquors in a prescribed boundary in Madison county.	11
Chapter 466. An act creating a new charter for the town of Owenton, in Owen county.	13

Chapter 467.	An act to amend an act, entitled "An act to incorporate the town of Glasgow, in Barren county, and repeal the present charter of the city of Glasgow	23
Chapter 468.	An act to incorporate the Lawrenceburg Colored Cemetery Company.	24
Chapter 469.	An act to incorporate Chestnut Grove Church, in Johnson county,	27
Chapter 470.	An act to incorporate the Coyne & Solar Detective Agency, in Campbell county	29
Chapter 471.	An act to amend an act, entitled "An act levying and imposing a tax on the dogs of Boone county, and providing for its collection and appropriation to the payment of losses by the owners of sheep in said county, occasioned by dogs killing and injuring sheep".	30
Chapter 472.	An act to amend an act, entitled "An act to prohibit horses, mules and hogs from running at large on turnpike roads in Bath county.	32
Chapter 473.	An act for the benefit of the lessees of the New Liberty Branch Turnpike Road and the Owenton and New Liberty Turnpike Road, of Owen county.	32
Chapter 474.	An act for the benefit of Daniel L. Cunningham, Fred Burch and Wm. C. Williams, of Grant county.	33
Chapter 475.	An act to incorporate the Cemetery Company of Viola Lodge No. 278, at Burlington	34
Chapter 476.	An act forbidding the sale or gift of spirituous, vinous or malt liquors, or any mixture thereof, directly or indirectly, on the day of any election in Clinton and Cumberland counties. . .	40
Chapter 477.	An act to incorporate the Spiritual Temple Society of Louisville,	41
Chapter 478.	An act for the benefit of Thomas Bradshaw, of Simpson county,	42
Chapter 479.	An act for the benefit of William Craig	43
Chapter 480.	An act for the benefit of Mrs. Manerva Brashears, late clerk of Letcher county court, and widow of Ezekiel Brashears (deceased), and clerk of Letcher county and circuit courts . . .	43
Chapter 481.	An act to amend an act, entitled "An act to amend the charter of and to authorize the city of Mayfield to subscribe and pay for stock in the Cairo and Tennessee River Railroad Company," approved March 10, 1873	44
Chapter 482.	Amendment to an act, entitled "An act to incorporate the Owensboro and Indiana Bridge Company"	44
Chapter 484.	An act to amend an act to incorporate the German Evangelical Church of St. Peters, of Louisville, approved February 28, 1860	45
Chapter 485.	An act for the benefit of Peter Ackerman, of Bowling Green, Kentucky	48
Chapter 486.	An act to amend an act, entitled "An act to amend an act, entitled 'An act to incorporate the Mt. Sterling Coal Road Company.'"	49

CONTENTS.

V

	PAGE.
Chapter 488. An act to incorporate the Bath County Stock and Trotting Association	50
Chapter 489. An act to amend an act, entitled "An act for the benefit of the East Union and Sharpsburg Turnpike Road Company" . . .	53
Chapter 491. An act for the benefit of the Christian County Driving Park . .	53
Chapter 493. An act to amend an act, entitled "An act to authorize the court of claims of Grant county to levy a tax for bridge purposes," and to authorize said court to issue bonds to raise funds to pay for any and all bridges that may be built in Grant county . .	54
Chapter 494. An act for the benefit of James P. Harris, Jr., late sheriff of Floyd county	61
Chapter 495. An act to repeal, in part, an act to authorize the counties of Barren, Metcalfe and Monroe to raise money to aid in the construction of a railroad	62
Chapter 496. An act for the benefit of J. B. Dcnham, late sheriff of Metcalfe county	62
Chapter 497. An act to authorize and empower the trustees of the M. E. Church, in Mt. Olivet, Robertson county, to sell and convey the property of said church	68
Chapter 498. An act to incorporate the Jellico Bank	68
Chapter 499. An act to amend the charter of the town of Cave City, in Barren county.	65
Chapter 500. An act to amend an act incorporating the town of Lewisburg, county of Logan, State of Kentucky	67
Chapter 501. An act to incorporate the Bank of Harlan	68
Chapter 502. An act to authorize a special term of the court of claims in and for Marshall county for the year 1888, and to empower said court to levy an ad valorem tax to build, re-build or repair the court-house or clerk's offices in said county	71
Chapter 503. An act to incorporate the Butler Cemetery Company, in Pendleton county	72
Chapter 504. An act to incorporate the bank of Murray, Calloway county . .	75
Chapter 507. An act to amend an act, entitled "An act to authorize the county court of Clay county to issue bonds for the payment of the public buildings in said county".	79
Chapter 509. An act to establish the Allen Male and Female College in Scot'sville, Allen county	80
Chapter 511. An act to amend an act, entitled "An act to amend an act, entitled 'An act to reduce into one, amend and digest the acts and amendatory acts incorporating the city of Mt. Sterling.'" . .	81
Chapter 512. An act to incorporate the Bank of Shepherdsville	81
Chapter 513. An act to amend and to reduce into one the several acts incorporating the town of Falmouth, Pendleton county	85
Chapter 514. An act to prohibit the sale and use of spirituous, vinous and malt liquors in the county of Rowan	102

	PAGE.
Chapter 515. An act directing the Secretary of State to procure and furnish to Menefee county certain books	104
Chapter 516. An act to incorporate the Saturday Night Saving and Loan Association of Lexington	105
Chapter 517. An act to amend an act, entitled "An act to amend an act, entitled 'An act to amend the charter of the city of Covington,'" approved May 1, 1886, passed at the present session, and approved the fifteenth of February, 1888.	108
Chapter 518. An act to amend an act, entitled 'An act to incorporate the town of South Louisville'.	109
Chapter 519. An act to amend the charter of the Bank of Louisville	110
Chapter 520. An act to incorporate the Daysville, Elkton and Fairview Turnpike Road Company, in Todd county	111
Chapter 522. An act to incorporate the Deposit Bank, Calhoon, Kentucky . .	116
Chapter 524. An act authorizing the Gallatin county court to provide for keeping up certain turnpike roads in said county	120
Chapter 525. An act to amend an act, entitled "An act to amend the charter of the town of Tyrone, in Anderson county," approved April 24, 1884	123
Chapter 526. An act for the benefit of Richard Board, late clerk of the Mercer circuit court	123
Chapter 527. An act to incorporate the Journeymen Plasterers' Association, of Kenton and Campbell counties	124
Chapter 530. An act to amend the charter of the town of Adairville, in Logan county	125
Chapter 531. An act to amend an act, entitled "An act to empower Logan county to retire the bonds of said county, to create a sinking fund, to provide for commissioners of same, and to provide for the collection of taxes for that purpose in said county"	126
Chapter 532. An act to amend an act, entitled "An act to amend an act, entitled 'An act to empower Logan county to retire the bonds of said county, to create a sinking fund, to provide for commissioners of same, and to provide for the collection of taxes for that purpose in said county'"	126
Chapter 533. An act to authorize the marshal of the town of Lenoxburg to appoint a deputy	127
Chapter 536. An act to incorporate the Lynland Female College, in Hardin county	127
Chapter 538. An act to empower the Clay county court to sell and transfer the old public square and buildings thereon	128
Chapter 539. An act to change the jurisdiction and fix the time of holding the regular civil terms of the Bowling Green city court	129
Chapter 540. An act to amend an act, entitled "An act for the benefit of the county infirmary of Mason county, for the support of the poor of said county and work-house and house of correction therewith"	130

CONTENTS.

VII

PAGE.

Chapter 541.	An act to amend an act, entitled "An act to incorporate the Garrard Female College," approved March 26, 1884	180
Chapter 542.	An act declaring the court-house of Clark county to be, for all purposes of jurisdiction, equally within Winchester and Blue Ball precincts, in said county	181
Chapter 544.	An act to incorporate the town of Morton's Gap, in Hopkins county	182
Chapter 545.	An act for the benefit of Carroll county	141
Chapter 546.	An act to amend an act, entitled "An act for the benefit of Taylor county"	142
Chapter 547.	An act authorizing the Owen county court to issue and sell bonds to pay off its indebtedness, and to issue bonds to refund its outstanding bonded indebtedness, and to provide for the payment thereof	143
Chapter 548.	An act to amend the charter of the city of Ludlow	145
Chapter 549.	An act for the benefit of district No. 114, known as Green Hill Seminary, Barren county	146
Chapter 550.	An act to amend an act, entitled "An act to incorporate the town of Hardyville, in Hart county"	147
Chapter 551.	An act to incorporate the Louisville Democratic Club	149
Chapter 552.	An act to incorporate the Corinth Odd Fellows' Hall Company	150
Chapter 553.	An act to incorporate the town of Granard, in Fayette county.	152
Chapter 554.	An act for the benefit of Alex Milby, of Green county	156
Chapter 557.	An act to amend an act approved on the second day of March, 1888, entitled "An act to amend an act, entitled 'An act to amend and reduce into one the various acts in regard to Bardstown'"	156
Chapter 558.	An act to incorporate the now existing Louisville Gas Company, and to grant it a new charter	157
Chapter 559.	An act to amend an act, entitled "An act establishing a new charter for the city of Louisville," approved March 8, 1870.	172
Chapter 560.	An act to incorporate the Paducah and Southern Railroad Company	173
Chapter 561.	An act to incorporate the Paducah and Cairo Railroad Company, ...	177
Chapter 562.	An act to authorize the county court of Rockcastle county to levy and collect an ad valorem tax for county purposes	186
Chapter 563.	An act to incorporate the Mutual Fire Insurance Company of Kentucky	186
Chapter 564.	An act to incorporate the Kentucky Investment Company	189
Chapter 565.	An act to amend an act, entitled "An act to incorporate the Licking Valley Land and Mining Company," approved March 29, 1882	192
Chapter 566.	An act to amend chapter 1834 of the Acts of 1871, approved February 22, 1871	192
Chapter 567.	An act to incorporate the Winchester Trust Company, of Winchester	196

	PAGE
Chapter 568. An act to prohibit the sale of spirituous, vinous or malt liquors within one mile of the turnpike road leading from Yosemite to Dunnville, in Casey county	197
Chapter 569. An act to incorporate the Nicholasville Street Railway Company,	198
Chapter 570. An act to incorporate the Pineville Coal, Iron, Timber and Transportation Company	200
Chapter 571. An act to authorize the Martin county court to lay an ad valorem tax and to issue bonds	202
Chapter 572. An act to incorporate the Fidelity Building and Loan Association, of Lexington	208
Chapter 573. An act to incorporate the Abdallah Park Association, of Harrison county	209
Chapter 574. An act to incorporate Vincennes, Oakland City and Owensboro Railroad Company	212
Chapter 575. An act to amend the charter of the town of Bellevue, in Campbell county, and authorizing the issue of school bonds of the town .	215
Chapter 576. An act to incorporate the town of Huntsville, in Butler county .	217
Chapter 577. An act to reincorporate and amend the laws for the town of Campbellsville, Taylor county	219
Chapter 578. An act to incorporate the Odd Fellows' Orphanage	248
Chapter 579. An act to amend an act, entitled "An act for the benefit of Allen county, empowering it to compromise its debts, issue bonds, and levy and collect taxes to pay the same," approved February 2, 1880	252
Chapter 580. An act to repeal all acts and parts of acts, so far as the same authorize the county of Scott to subscribe stock in any railroad company	258
Chapter 581. An act to amend the charter of the city of Ashland	258
Chapter 582. An act to incorporate the Frankfort Safety Vault and Trust Company	254
Chapter 583. An act to incorporate and establish a public school for colored people in the town of Hawesville, and within a radius of two miles of the court-house in said town	259
Chapter 584. An act to establish a system of common schools in the town of Dixie, Henderson county	264
Chapter 585. An act to amend an act, entitled "An act to incorporate the Lewisburg high school, in Logan county"	278
Chapter 586. An act to establish a public graded school in common school district No. 7, in Johnson county	275
Chapter 587. An act to charter the Corinth Deposit Bank	280
Chapter 588. An act to incorporate the Central Valley Railway Company. .	288
Chapter 589. An act to incorporate the Rugby Mining Company.	289
Chapter 590. An act to authorize the trustees of the town of Bardwell to borrow money for the purpose of improving and opening streets in said town	292
Chapter 591. An act to incorporate the Paris Street Railway Company	298

CONTENTS.

IX

	PAGE.
Chapter 593. An act to incorporate the Hancock Storage and Warehouse Company	296
Chapter 594. An act to amend an act, entitled "An act to incorporate the Beech Grove Sunday School Union of Campbell county," approved February 11, 1890.	301
Chapter 595. An act to prohibit the sale of spirituous vinous or malt liquors in one and one-half miles of Bethany Church, in Morgan county.	301
Chapter 596. An act for the benefit of John J. Hammond, of Anderson county.	302
Chapter 597. An act to prohibit the sale of liquors on election days in Adair county	303
Chapter 598. An act to prevent the use of intoxicating liquors at or within three miles of the election ground at any election in the counties of Floyd and Johnson.	303
Chapter 599. An act to incorporate the Commonwealth Fire and Marine Insurance Company of Covington	304
Chapter 600. An act to incorporate the German Mutual Fire Insurance Company of Jefferson county	306
Chapter 601. An act to amend an act to incorporate the Southern Pacific Company, approved March 17, 1884	310
Chapter 602. An act for the benefit of J. W. Richardson, of Meade county	311
Chapter 603. An act to authorize George W. Smith to erect a mill-dam across the Rockhouse Fork of Big creek, in Pike county	311
Chapter 605. An act to incorporate Persian Lodge No. 18, Knights of Pythias, of Bowling Green	312
Chapter 606. An act to incorporate the Excelsior Saving Company	313
Chapter 609. An act to incorporate the Maysville Fair Company	315
Chapter 611. An act to amend an act to incorporate the Short Route Railway Transfer Company, which became a law March 7, 1873, and the act amendatory thereto, approved April 1, 1882	319
Chapter 612. An act for the benefit of common school district No. 1 (white), of Fleming county	321
Chapter 613. An act to incorporate the Louisville Fire and Life Protective Association of Louisville	326
Chapter 614. An act for the benefit of G. W. Baker, of Clay county	330
Chapter 615. An act for the benefit of Fannie E. Hoskins, of Taylor county	331
Chapter 616. An act to establish a public landing on the Ohio river, in the county of Jefferson	331
Chapter 617. An act for the benefit of Solomon King, of Marshall county	332
Chapter 618. An act to incorporate the Stanford Street Railway Company	333
Chapter 619. An act to incorporate the First National Gas Company of Kentucky	336
Chapter 620. An act to authorize the county of Clark to receive the surrender and to operate certain turnpike roads in said county	339
Chapter 621. An act to allow the justices of the peace living nearest the court-house in Lower Town precinct No. 1, and Upper Town precinct No. 2, in Daviess county, to hold their regular terms of court for the trial of civil actions, once in each month, at the court-house in said county, or other places in said precincts	341

	PAGE.
Chapter 622. An act to give a lien for the damages on cattle, and other live stock committing trespasses in Carroll county	341
Chapter 623. An act to incorporate the Dallasburg and Sanders' Station Turnpike Road	342
Chapter 624. An act to empower the "Odd Fellows' Hall Association, of Dayton, Campbell county, Kentucky," to bond its debt	344
Chapter 625. An act to amend the Flemingsburg and Upper Fox Springs Turnpike Road Company	345
Chapter 626. An act to amend an act, entitled "An act to incorporate the Waco, College Hill and Kentucky River Turnpike Road Company"	346
Chapter 627. An act allowing Robert Clark, sheriff of Clay county, further time to execute bond for the collection of the revenue for 1888.	347
Chapter 628. An act to amend the charter of the city of Maysville	347
Chapter 629. An act to incorporate the Paducah, Maxon's Mill and Ogden's Landing Turnpike Road Company	348
Chapter 630. An act for the benefit of McCracken county, empowering it to issue bonds and levy and collect taxes to pay the same, for the purpose of refunding its bonds at a lower rate of interest.	353
Chapter 631. An act to amend and reduce into one the several acts relating to the town of Hiseville, in Barren county	359
Chapter 634. An act to authorize John M. Arnett to erect a boom across Bill Oakley creek, in Magoffin county	373
Chapter 635. An act to amend an act, entitled "An act to further regulate the conduct of elections in the city of Covington"	373
Chapter 636. An act to amend an act, and the amendments thereto, authorizing the Carroll county court to take stock in turnpike roads in said county	374
Chapter 637. An act to incorporate and establish a system of public schools in district No. 49, including the town of Adairville	376
Chapter 638. An act authorizing the Carter county court to levy an ad valorem tax on the taxable property of said county each year to pay the ordinary indebtedness and expenses of said county, and to repeal all laws authorizing the levy of a poll or capitation tax in said county for county purposes ordinary	381
Chapter 640. An act to amend an act, entitled "An act to provide for working of persons committed to the custody of the jailer of Pike, Letcher, Martin, Knott, Floyd, Johnson, Elliott and Carter," approved March 23, 1886	382
Chapter 641. An act to amend an act, entitled "An act to establish a public school in Morganfield, in Union county," approved April 19, 1886	384
Chapter 642. An act to incorporate the Western Kentucky Coal and Improvement Company	386
Chapter 643. An act to amend the charter of the "Somerset Street Railway Company," and to authorize the city of Somerset to guarantee the payment of certain bonds of said company	388

CONTENTS.

XI

	PAGE.
Chapter 644. An act to amend an act, entitled "An act to incorporate the Mammoth Cave Hotel and Railroad Company".	890
Chapter 645. An act to amend an act, entitled "An act to incorporate the Bowling Green and Northern Railroad Company," approved March 31, 1886, and authorizing the county of Warren to subscribe aid to said railroad company	891
Chapter 646. An act to incorporate the Monroe Normal School, at Flippin, Monroe county	894
Chapter 647. An act to authorize precinct No. 1, in Barren county, to issue bonds and fund its present indebtedness	895
Chapter 648. An act to authorize the court of levy and claims of Menefee county to levy an ad valorem tax for county purposes	899
Chapter 649. An act for the benefit of the common schools of Shelby county .	899
Chapter 651. An act incorporating a street railway company in Barbourville, Kentucky	400
Chapter 652. An act to amend sections 4 and 5 of an act approved February 13, 1888, entitled "An act to amend an act to incorporate Carr Institute," approved March 9, 1882	403
Chapter 653. An act respecting vagrants in the city of Louisville	403
Chapter 654. An act to incorporate the "Union Trust Company of Paducah".	404
Chapter 656. An act to amend an act to incorporate the "National Surety Company," approved February 21, 1888	410
Chapter 657. An act to incorporate the National Institute, at Madisonville, Hopkins county	410
Chapter 659. An act for the benefit of James D. Blackwell, sheriff of Webster county, and to allow him further time in which to execute his county levy and State revenue bonds for year 1888	412
Chapter 660. An act to incorporate the Hodgenville and Middle Creek Turnpike Road, in Larue county	412
Chapter 661. An act to amend the charter of the town of Simpsonville. . . .	415
Chapter 662. An act appointing an official reporter, and for the preservation of evidence in certain cases tried before the city court of Louisville	423
Chapter 663. An act to enable the city of Cloverport to subscribe to the capital stock of the Cloverport and Fordsville Railway Company.	425
Chapter 664. An act for the protection of water-works companies, and to prevent the pollution of reservoirs in Fayette county	426
Chapter 665. An act to amend an act to incorporate the Carlisle and Sharpsburg Turnpike Company, approved February 26, 1847, and amendments thereto	427
Chapter 668. An act to incorporate the Boxville Male and Female Seminary, of Union county	429
Chapter 670. An act to amend an act, entitled "An act to incorporate Bethel Hill and Jessamine County Turnpike Company"	430
Chapter 671. An act to change the boundary line between the counties of Green and Taylor	430

	PAGE
Chapter 672. An act to repeal an act, entitled "An act to amend an act, entitled 'An act to recharter the town of Mt. Vernon, Rockcastle county,'" approved March 16, 1886	431
Chapter 673. An act to amend the charter of Grier's Creek Turnpike Road Company, in Woodford county	431
Chapter 674. An act to amend an act, entitled "An act to incorporate the McCoun Ferry and Wheat's Mill Turnpike Road Company," approved May 12, 1884	432
Chapter 675. An act to regulate the making, altering and repairing of county roads in Marion county	433
Chapter 677. An act to incorporate the Ohio, Cumberland and Mississippi River Railway Company	435
Chapter 678. An act for the benefit of the Williamstown graded free school district	443
Chapter 679. An act to repeal an act, entitled "An act fixing the compensation of the railroad tax collector of Marion county"	445
Chapter 680. An act to amend an act incorporating the Lancaster City Hall Association	446
Chapter 681. An act to amend an act, entitled "An act to reincorporate the town of Monterey, in Owen county," approved February 23, 1874	446
Chapter 682. An act to change the line between the Hardinsburg and Rough creek magisterial district, in Breckinridge county	447
Chapter 683. An act for the benefit of B. F. Reeks, of Daviess county	447
Chapter 684. An act for the benefit of T. L. Rawlins, of Clay county	448
Chapter 685. An act authorizing a division of school district number (43) forty-three, in Graves county	449
Chapter 686. An act to amend the charter of the town of Glasgow	450
Chapter 687. An act for the benefit of Capital Lodge No. 6, I. O. O. F. . . .	450
Chapter 688. An act to repeal an act, entitled "An act to amend an act to incorporate the town of Providence, in Webster county," approved March 18, 1886	451
Chapter 689. An act to regulate primary elections in the county of Franklin, and to punish bribery and illegal voting at such elections	452
Chapter 690. An act to incorporate the Bourbon Trotting Club	454
Chapter 691. An act to amend an act, entitled "An act to incorporate the Bowling Green and Northern Railroad Company"	457
Chapter 692. An act to incorporate the Merchants' Deposit Bank of Central City	458
Chapter 693. An act to incorporate the "Nicholasville Building Association" .	461
Chapter 694. An act to amend an act, entitled "An act to incorporate the town of Willisburg, Washington county," approved March 24, 1880, ...	464
Chapter 695. An act to incorporate the North Middletown Fair Association .	464
Chapter 697. An act to incorporate the Kentucky Rock Gas Company	466
Chapter 698. An act to establish a system of public schools in the town of Madisonville for colored children of said town	472

CONTENTS.

XIII

PAGE.

Chapter 699.	An act to incorporate the village of Cote Brillante, in Campbell county	476
Chapter 700.	An act to regulate the sale of spirituous, vinous and malt liquors within the corporate limits of the town of Catlettsburg . . .	480
Chapter 701.	An act to incorporate the West Virginia, Pineville and Tennessee Railroad Company	483
Chapter 702.	An act to authorize the county court of Casey county to levy taxes and issue bonds to raise money to build a court-house in Casey county	490
Chapter 703.	An act to authorize the voters of Bell county to vote as to location of proposed new court-house and jail, and to provide for payment of cost of same	492
Chapter 704.	An act to provide for the construction and repairs of public roads in Hardin county	498
Chapter 705.	An act to amend an act, entitled "An act to incorporate the town of Helena, in Mason county," approved March 8, 1854 . . .	504
Chapter 708.	An act to incorporate the town of Pleasant Home, in Owen county	505
Chapter 709.	An act to amend the charter of the Supreme Council Catholic Knights of America, approved April 1, 1880	507
Chapter 710.	An act to incorporate the Henderson, Hartford and Knoxville Railroad Company.	508
Chapter 718.	An act to authorize the town of Glasgow, in Barren county, to issue bonds and fund its present indebtedness	510
Chapter 714.	An act to incorporate the Kentucky and Southwestern Land Development and Manufacturing Company	514
Chapter 715.	An act to incorporate the Fordsville Mining, Manufacturing and Lumber Company.	517
Chapter 716.	An act to incorporate the Henry County Trust Company, at New Castle	520
Chapter 717.	An act to incorporate the Owensboro Real Estate Company . . .	525
Chapter 718.	An act to incorporate the Savings and Loan Association of Pineville.	527
Chapter 719.	An act to amend an act, entitled "An act to prevent stock from running at large in the counties of Bracken, Pendleton, Grant and Harrison," approved March 8th, 1876.	530
Chapter 720.	An act to amend the charter of the city of Louisville	531
Chapter 721.	An act to incorporate the Crutcher Ford, Tunnel Mill and Rockbridge Church Turnpike Road Company, in Washington county.	531
Chapter 722.	An act to amend the charter of the Citizens' Bank of New Liberty	534
Chapter 723.	An act to incorporate the Hawesville Safety Vault and Trust Company	535
Chapter 724.	An act to amend an act, entitled "An act to incorporate the Hawkins and Cummins Turnpike Road Company, in Bourbon county," approved April 4, 1884	540

	PAGE
Chapter 725. An act to amend an act, entitled "An act to incorporate the Lime-stone Insurance Company, of Maysville," approved February 23, 1888	541
Chapter 726. An act to repeal an act, entitled "An act to authorize the Logan county court to borrow money," approved May 10, 1884	541
Chapter 727. An act for the benefit of W. H. Hays, of Bullitt county. . . .	541
Chapter 728. An act to amend an act, entitled "An act to incorporate the Frank-fort Cemetery Company," approved February 27, 1844	542
Chapter 729. An act to create a board of commissioners for Magoffin county, and prescribe their duties and powers.	544
Chapter 730. An act for the benefit of Frank Preston, etc., of Johnson county.	548
Chapter 731. An act for the benefit of G. T. Finn, of Simpson county	548
Chapter 732. An act to prescribe the pay of justices of the peace in Edmon-son and Hancock counties	549
Chapter 733. An act to extend and amend the charter of the Bank of Hop-kinsville	549
Chapter 734. An act to vacate "Park Place" in the city of Louisville, and provide for the opening and dedication of Ormsby avenue through the same	552
Chapter 735. An act to prohibit the sale of spirituous, vinous or malt liquors within the limits of Columbia voting precinct, in Adair county	553
Chapter 736. An act to prohibit the sale of spirituous, vinous and malt liquors in the county of Robertson	554
Chapter 737. An act to regulate the selling, lending, procuring or furnishing, giving of spirituous, vinous or malt liquors, or any intoxicat-ing drinks, in Elliott county	556
Chapter 738. An act to authorize Fayette county to subscribe for stock in the Kentucky Union Railway Company, and issue bonds in pay-ment thereof	563
Chapter 739. An act to incorporate the Lexington and Madison Railway Com-pany	565
Chapter 740. An act to authorize the people of Casey county to vote on pro-hibiting the sale of liquors, and fixing the penalty for the sale of liquors in said county	572
Chapter 741. An act to amend the charter of the Fayette Building and Loan Association	574
Chapter 742. An act to amend an act, entitled "An act to regulate the sale of spirituous, vinous or malt liquors in this Commonwealth," so far as it applies to the counties of Menefee, Powell and Wolf.	575
Chapter 743. An act to empower Fayette county to make subscriptions to the capital of Jack's Creek Turnpike Road	576
Chapter 744. An act to incorporate the Twenty-second and Walnut Streets Baptist Church, of Louisville	576
Chapter 745. An act to amend an act, entitled "An act to create a special road law for Grant county," approved March 20, 1880	578

CONTENTS.

XV

	PAGE.
Chapter 746. An act to incorporate the Bell County Building and Loan Association	580
Chapter 747. An act to incorporate the Pleasureville, Oakland and Sweet Home Turnpike Road	585
Chapter 748. An act to consolidate common school district No. 38, in Marshall county, with the Marshall County Seminary at Benton, in said county, and to provide for the levy of a school tax in said district	591
Chapter 749. An act to create and incorporate the Wickliffe, Cairo and Bird's Point Ferry Company	595
Chapter 750. An act to authorize the county court of Letcher county to issue bonds to discharge existing indebtedness, and for the purpose of building a court-house	599
Chapter 751. An act to amend an act, entitled "An act to charter the Maysville Water Company, and to ratify and validate the water-works ordinance of the city of Maysville and its contract thereunder with the Maysville Water Company"	601
Chapter 752. An act to authorize the city of Owensboro to aid the construction of the Owensboro and Indiana bridge by subscription of stock or donation	604
Chapter 753. An act to amend an act, entitled "An act to amend the charter of the Cairo and Tennessee River Railroad Company," approved February 25, 1888	606
Chapter 754. An act to amend an act, entitled "An act to amend the charter of Beech Grove, McLean county"	607
Chapter 755. An act to incorporate the Kentucky and West Virginia Bridge Company	610
Chapter 757. An act to amend the charter of the town of Burgin, in Mercer county	614
Chapter 758. An act for the benefit of justices of the peace of Walton District, Boone county	614
Chapter 759. An act to incorporate the Lowell and Berea Turnpike Road Company	615
Chapter 760. An act to amend the charter of the Boone County Deposit Bank, ...	618
Chapter 761. An act to incorporate the town of Lowes, in Graves county	619
Chapter 762. An act to appoint commissioners and to enable the citizens of Oldham county to open and complete the turnpike road from Lagrange to the Ohio river at Westport	622
Chapter 763. An act to amend an act, entitled "An act to authorize the counties of Pulaski, Wayne and Clinton, and certain towns and magisterial districts therein, to subscribe stock in any railroad company," approved February 20, 1888	624
Chapter 764. An act to amend an act, entitled "An act to incorporate the Hustonville and Coffey's Mill Turnpike Road Company," approved February 11, 1864	625
Chapter 765. An act to incorporate the Home for Aged and Indigent Women, of Covington, Kentucky	626

	PAGE.
Chapter 766. An act to amend the charter of the town of Spottsville, in Henderson county	680
Chapter 767. An act to amend an act, entitled "An act to incorporate the Vine Grove Seminary, in Hardin county"	680
Chapter 768. An act to amend section 1 of an act to establish an institution of learning and parochial church in or near the town of Beattyville, in Lee county, approved May 12, 1884	631
Chapter 769. An act to enable the Jefferson county levy court to fix the salary of the Jefferson county treasurer	631
Chapter 770. An act to amend an act to provide for the erection of school building in common school district No. 1, in the town of Hawesville	631
Chapter 771. An act to incorporate the trustees of the Church for the Promotion of Christian Holiness	632
Chapter 772. An act to authorize the organization and maintenance of a graded free school in common school district-No. 3, in Johnson county	633
Chapter 773. An act to authorize Thomas B. Harrison, judge of the Logan county court, to sign the minutes and orders of said court which his predecessor, W. W. Frazer, deceased, failed to sign.	637
Chapter 774. An act for the benefit of J. F. Walton, of Simpson county.	637
Chapter 775. An act to amend section 8 of chapter 346, entitled "An act to incorporate the town of Fordsville, in Ohio county, relating to the term of office of the police judge and marshal of the said town	638
Chapter 776. An act to incorporate the New Jellico Mining Company	638
Chapter 779. An act to amend the charter of the town of Bardwell, in Carlisle county	641
Chapter 780. An act to incorporate The Shelby Club	643
Chapter 781. An act to prohibit the sale of spirituous, vinous or malt liquors within three miles of Mannsville, Taylor county	646
Chapter 783. An act submitting to the voters of Nelson county, and the several justices' districts thereof, the question whether or not spirituous, vinous, malt, or any intoxicating liquors whatever, shall be sold in said county, or in any justices' districts thereof.	647
Chapter 784. An act to enable common school district No. 35, in Calloway county, to subscribe to the capital stock of any railroad company incorporated under the laws of this State in the mode prescribed herein, and provide for the payment of such subscription	656
Chapter 785. An act to incorporate the Deposit Bank at Fulton, Fulton county, ...	658
Chapter 786. An act to authorize the county court of Crittenden county to levy an ad valorem tax for paying the indebtedness of said county, and repairing and building bridges in said county, and to keep same in repair	662

CONTENTS.

XVII

PAGE.

Chapter 787.	An act to amend an act, entitled "An act to amend an act incorporating Hamilton College, in the city of Lexington," approved March 18, 1884	668
Chapter 788.	An act to establish a Normal School at Augusta, in Bracken county	664
Chapter 789.	An act to incorporate the Adelpian Society of Hartford College and Business Institute	665
Chapter 790.	An act to amend an act, entitled "An act to amend and reduce into one the several acts in reference to the town of Marion," approved March 20, 1876	666
Chapter 791.	An act to authorize the people of Grayson county to vote an ad valorem tax to pay its indebtedness	668
Chapter 792.	An act to amend an act, entitled "An act to authorize the city of Henderson to issue bonds and fund her present indebtedness," approved January 30, 1878	669
Chapter 793.	An act to incorporate the Louisville Deposit Bank	670
Chapter 794.	An act to incorporate the Bedford Loan and Deposit Bank	674
Chapter 795.	An act to incorporate the Hardinsburg Normal and Collegiate Institute	679
Chapter 796.	An act to extend the corporate limits of the city of Mayfield, in Graves county, and to amend the charter of same	685
Chapter 798.	An act to amend an act, entitled "An act to incorporate the town of Dunnville, in Casey county," approved March 30, 1878	686
Chapter 799.	An act to amend the charter of the Louisville Abstract and Loan Association by changing its name to "Kentucky Title Company," and otherwise	688
Chapter 801.	An act to prohibit the sale or use of any spirituous, vinous, malt or intoxicating liquors, or any mixtures thereof, in the counties of Green and Taylor on election days	690
Chapter 802.	An act to incorporate the Home and Savings Fund Company, of Louisville	690
Chapter 803.	An act for the benefit of the Boonesboro and Athens Turnpike, in Clark county	694
Chapter 804.	An act incorporating the Economy Club, of Louisville.	694
Chapter 805.	An act to incorporate the Sandy Creek Farm District, in Hancock county	698
Chapter 806.	An act for the benefit of J. Soule Smith, of Fayette county	703
Chapter 807.	An act in relation to the public printing of the city of Louisville	704
Chapter 808.	An act to incorporate the Richmond Street Railway Company	705
Chapter 809.	An act to regulate the fiscal affairs of Hardin county, and provide for the cash payment of all claims against said county	708
Chapter 811.	An act to charter Evansville Bridge Company	711
Chapter 812.	An act for the benefit of the city of Carlisle, and the turnpike road companies of whose roads may now or hereafter be within the corporate limits of said city	713

	PAGE.
Chapter 813. An act to incorporate the "Kittle Creek Turnpike Company," in Warren county	714
Chapter 815. An act to empower the county court of Harrison county to borrow the H. C. Moore School Fund	715
Chapter 817. An act to incorporate the Independent Order Wise Men	717
Chapter 819. An act to prohibit the sale of spirituous, vinous and malt liquors, and mixtures of same, and all bitters and nostrums which intoxicate, in Wayne county, Kentucky, and to provide for a vote of the legal voters of said county thereon	718
Chapter 820. An act to repeal an act, entitled "An act to prevent cattle, or stock of any kind, from running at large upon the Maysville and Lexington Turnpike Road, in Nicholas and Mason counties," so far as the same applies to Mason county	722
Chapter 821. An act to incorporate the Ekron Gas and Manufacturing Company, of Meade county	723
Chapter 822. An act to amend an act establishing a new charter for the city of Louisville, approved March 8, 1870, relating to the remuneration of the clerk and marshal of the city court of Louisville	726
Chapter 823. An act to close Fifth street, between Main and Clay streets, in the city of Dayton, Campbell county	727
Chapter 824. An act to repeal an act, entitled "An act to incorporate the Economic Heating Company," approved March 17, 1886, and also to repeal an act, entitled "An act to amend an act to incorporate the Economic Heating Company," approved April 22, 1886	728
Chapter 825. An act to legalize orders made by the Lawrence county court, and to authorize said court to open as a public highway to Pine Hill cemetery, in said county	728
Chapter 826. An act to amend an act, entitled "An act to incorporate the Elkton and Guthrie Railroad Company and amendments thereto."	729
Chapter 827. An act to amend the charter of the German Protestant Orphan Asylum Company of the city of Louisville	730
Chapter 828. An act to amend the charter of town of Parkland, Jefferson county	730
Chapter 829. An act to amend the charter of the town of Arlington, in Carlisle county	736
Chapter 830. An act to amend an act, entitled "An act to create the Covington Police District, in Kenton county, and to provide for the government of same"	738
Chapter 831. An act to incorporate the Butler County Fair Company	740
Chapter 832. An act to incorporate the First State Bank of Monterey	743
Chapter 833. An act to incorporate the Pineville Street Railway Company. . .	746
Chapter 834. An act to incorporate the Meadowthorpe Kennel	748
Chapter 835. An act to incorporate the Hopkinsville Savings Bank	750
Chapter 836. An act to amend the charter of the Pendleton Agricultural and Mechanical Association, at Falmouth, Pendleton county	754

CONTENTS.

XIX

	PAGE.
Chapter 837. An act to amend an act, entitled "An act to establish a system of public and high schools for the town of Sebree, in the county of Webster, for white children only," approved February 18, 1888	756
Chapter 838. An act to incorporate the Chatawaha Pipe-line Transportation Company	757
Chapter 839. An act to amend an act, entitled "An act to create the office of county treasurer for Campbell county"	760
Chapter 840. An act to amend the charter of the Paris and Ruddell's Mills Turnpike Road Company.	760
Chapter 841. An act to incorporate Richmond Hotel and Building Company .	761
Chapter 842. An act to amend and explain an act, entitled "An act for the benefit of common school district No. 25, in Oldham county," approved March 16, 1886	768
Chapter 843. An act imposing a tax on dogs in Gallatin county, and providing for its collection and appropriation for the payment of sheep killed in said county by dogs	768
Chapter 845. An act to incorporate the Peninsular Iron Company	767
Chapter 846. An act to provide for the punishment of petit larceny in Hickman county	770
Chapter 848. An act to establish an additional voting place in district No. 2, in Carlisle county	771
Chapter 849. An act to declare Conolaway creek, in Grayson county, a navigable stream	771
Chapter 850. An act to amend an act, entitled "An act to incorporate the Kentucky Investment Company," approved March 16, 1888 .	772
Chapter 851. An act to incorporate the Bracken County Building and Saving Association	772
Chapter 852. An act to incorporate the Standard Coal Company	776
Chapter 853. An act to amend an act, entitled "An act to establish a public school in the Caseyville district, in Union county," approved February 11, 1882	778
Chapter 855. An act to amend an act incorporating the town of Elkton, Todd county	779
Chapter 856. An act to incorporate the Uniontown Building and Loan Association	780
Chapter 857. An act to incorporate the Willow Church Turnpike Road Company, in Bracken and Pendleton counties	782
Chapter 858. An act to incorporate the Deposit Bank of Monroe county . . .	786
Chapter 859. An act to amend section 2, chapter 419, Session Acts 1878, entitled "An act to incorporate the Ashland and Catlettsburg Street Railway and Transfer Company"	790
Chapter 860. An act to amend an act to incorporate the Citizens' Bank at Paducah, approved February 24, 1888	790
Chapter 861. An act to provide for a registration of voters of the city of Covington	791

	PAGE
Chapter 862. An act to amend an act approved March '7, 1876, entitled "An act to amend an act approved the seventh of December, 1850, entitled 'An act to incorporate the Kentucky Agricultural and Mechanical Association at Lexington, and to repeal an act amending the same,'" approved January 30, 1888	802
Chapter 863. An act, entitled "An act to amend an act to incorporate the town of Rowland, in Lincoln county"	804
Chapter 864. An act to incorporate the Paducah Savings Bank	806
Chapter 865. An act to incorporate the Michigan Lumber Company, at Louisville	810
Chapter 866. An act to amend the charter of the city of Vanceburg, in Lewis county	812
Chapter 867. An act to incorporate the Menelos and Silver Creek Station Turnpike Road Company	813
Chapter 869. An act to amend an act, entitled "An act to consolidate common school districts Nos. 1 and 26, in Carroll county, and to provide for a school building and a better organization of the public schools in said consolidated district," approved May 7, 1886; and providing for the levying of an additional tax in said school district to extend the session of the school therein	815
Chapter 870. An act to amend an act, entitled "An act authorizing the Floyd county court to levy a poll and ad valorem tax to pay for public buildings in said county," approved February 6, 1884, and to regulate the levying of a capitation tax in said county for general county purposes	817
Chapter 871. An act to regulate the operation and management of bridges spanning the Ohio river at Covington, and to prevent extortion and discrimination upon the part of companies, corporations or individuals owning, maintaining or operating the same	817
Chapter 872. An act to amend the charter of the Middle Trace Turnpike Road Company, Northern Division, in Mason county.	819
Chapter 873. An act to establish a board of commissioners for Carter county, and to define their duties, and the duties of other county officers whose duties are connected with the duties of said commissioners	819
Chapter 874. An act to amend an act, entitled "An act to incorporate the Paducah and North Ballard Turnpike Road Company," approved March 1, 1872	831
Chapter 876. An act to establish a board of county commissioners for Jefferson county	831
Chapter 877. An act to prohibit the sale of spirituous, vinous or malt liquors, and mixtures of same, and all bitters and nostrums that intoxicate, in a radius of one and one-half miles of Otter Creek Baptist Church, in Wayne county	833
Chapter 878. An act to prohibit the selling, loaning, giving or furnishing any spirituous, vinous or malt liquors, or any mixture thereof, upon the day of elections or political conventions in Calloway county	834

CONTENTS.

XXI

	PAGE.
Chapter 879. An act to provide for keeping certain turnpike roads in repair in Shelby county	885
Chapter 880. An act to prohibit the sale of spirituous, vinous or malt liquors, or any mixture thereof, within one-quarter of a mile of the Methodist Mission Church near Owensboro, in Daviess county.	887
Chapter 881. An act to prohibit the sale, give or furnish of spirituous, vinous or malt liquors within a radius of one mile of Pleasant Grove Baptist Church, in Clay county	887
Chapter 882. An act to prohibit the sale of spirituous, vinous or malt liquors, or a mixture of either, or hard or fermented cider, in Spurlington, or within three miles thereof, in Taylor county	888
Chapter 883. An act to amend an act, entitled "An act amending and reducing into one the several acts relating to the town of Scottsville," approved February 28, 1860, and the amendments thereto, and relating to the police court of said town	889
Chapter 884. An act to create a board of commissioners in Martin county, to prescribe their powers and duties, and to authorize them to issue bonds of said county	840
Chapter 885. An act to incorporate the Hardin County Fair Association . . .	848
Chapter 886. An act to amend an act, entitled "An act to reduce into one, and to repeal the present charter of the town of Nicholasville, and the several acts amendatory thereof," approved February 29, 1884	852
Chapter 888. An act to amend the charter of the Owingsville Cemetery Company	852
Chapter 889. An act to amend the charter of the town of Franklin, Simpson county	853
Chapter 890. An act to change the boundary line between common school districts No. 22 and No. 32, in Simpson county	854
Chapter 891. An act to charter the McBride's Run and Concord Turnpike Road Company	854
Chapter 892. An act to amend an act, entitled "An act to create the office of county treasurer for Grant county," approved March 7, 1862 .	856
Chapter 893. An act to incorporate the Hodgenville Male and Female College.	863
Chapter 894. An act to incorporate the Paducah Trust Company	864
Chapter 895. An act to incorporate the West Point Natural Gas Company . .	869
Chapter 896. An act to incorporate the Williamsburg Institute	872
Chapter 897. An act to incorporate the Pittsburg Co-operative Mercantile Association, in Laurel county.	875
Chapter 898. An act to amend the charter of the Bardstown and Green River Turnpike Road Company	876
Chapter 899. An act for the benefit of Alexander G. Gooch, of Logan county.	877
Chapter 900. An act to authorize and empower the Marshall county court of claims to issue county bonds and levy an ad valorem tax for county purposes, in Marshall county	878
Chapter 901. An act to incorporate the Drennon Creek Turnpike Company, and to authorize a portion of Henry county to indorse the bonds of said company.	881

	PAGE.
Chapter 902. An act to incorporate the Murray and Mayfield Turnpike Company	889
Chapter 903. An act to amend an act, entitled "An act to revise and amend the charter of the city of Dayton, Campbell county," approved March 7, 1876	898
Chapter 904. An act to amend the charter of the town of Bryantsville, Garrard county, prohibiting the selling, giving, loaning or bartering of intoxicating liquors therein	896
Chapter 905. An act to amend the several acts incorporating the town of New Liberty, in Owen county.	898
Chapter 906. An act to amend an act, entitled "An act to establish a board of commissioners for Boyd county, and to define their duties and the duties of other officers whose duties are connected with the duties of said commissioners," approved February 9, 1884. . .	906
Chapter 907. An act to incorporate the King David Lodge, No. 87, Independent Sons and Daughters of Honor	909
Chapter 908. An act to amend an act, entitled "An act to prohibit the sale of spirituous, vinous and malt liquors in the county of Muhlenberg," approved May 17, 1886	911
Chapter 909. An act to authorize the Carlisle and Plum Lick Turnpike Road Company to relinquish its interest in a part of said road to Nicholas county court	912
Chapter 910. An act for the benefit of the Presbyterian Church at Moorefield, in Nicholas county	918
Chapter 911. An act to incorporate the Mt. Olivet Deposit Bank	914
Chapter 912. An act to amend an act, entitled "An act to incorporate the Wilmore and Kentucky River Turnpike Road Company, in Jessamine county," approved April 19, 1886	917
Chapter 913. An act to amend an act, entitled "An act to incorporate the Kentucky Paving and Contract Company," approved April 30, 1884. .	918
Chapter 914. An act regulating the advertisement of real estate in Owen county, which may be sold for debt or taxes or under decree of court. .	918
Chapter 915. An act amending the charter of the city of Owensboro	919
Chapter 916. An act to amend an act, entitled "An act to reduce into one the charter and various amendments to the town of Frenchburg". .	920
Chapter 917. An act declaring Barren river a lawful fence, in Allen and Barren counties, from the mouth of Bay's Fork creek, and up said river to Brown's Ford.	921
Chapter 918. An act for the benefit of persons living within the Morganfield graded school district	921
Chapter 919. An act to amend an act, entitled "An act to amend the charter of the Cairo and Tennessee River Railroad Company," approved February 25, 1888	922
Chapter 920. An act to amend an act, entitled "An act to amend an act, entitled, 'An act to incorporate the Frankfort Cemetery Company,' " approved March 26, 1888	928

CONTENTS.

XXIII

PAGE.

Chapter 921.	An act to amend the charter of the town of Granard, in Fayette county.	924
Chapter 922.	An act to amend the charter of Russellville	924
Chapter 923.	An act to incorporate the town of Springville, in Greenup county.	925
Chapter 924.	An act to incorporate the Laketown Fence Company, in Daviess and Henderson counties.	927
Chapter 925.	An act to incorporate a board of commissioners and treasurer for Knott county.	932
Chapter 926.	An act to prevent farm stock from running loose within the corporate limits of the town of Ghent	934
Chapter 927.	An act to repeal an act, entitled "An act to amend chapter 575; an act, entitled 'An act to provide for appointing and electing county commissioners and defining their duties,'" approved May 6, 1880	936
Chapter 928.	An act to repeal the charter of the city of Henderson and the acts amendatory thereto, and to reincorporate the said city of Henderson	937
Chapter 929.	An act to provide for a vote upon the question of the sale of intoxicating liquors in the county of Garrard	1005
Chapter 930.	An act for the benefit of the owners or lessees of the ferry at the town of Russell, in Greenup county, and providing penalties for a violation of the same	1008
Chapter 931.	An act again submitting to the voters of Hardin county the question as to whether or not spirituous, vinous or malt liquors shall be sold in said county	1009
Chapter 932.	An act to establish a Lumber Exchange for Louisville, and to abolish the office of Inspector of Lumber of Louisville	1010
Chapter 934.	An act in relation to the coroner of the county of Jefferson . . .	1014
Chapter 935.	An act to amend an act, entitled "An act to incorporate the Kentucky Manufacturing Establishment for the Blind," approved January 16, 1882.	1015
Chapter 936.	An act for the benefit of the city of Carlisle	1016
Chapter 937.	An act to authorize the restoration of deeds and titles to real estate in Graves county, Kentucky, destroyed by fire and otherwise, and to provide for such restoration	1017
Chapter 938.	An act to incorporate the Standard Club, of Owensboro, Kentucky	1022
Chapter 939.	An act to repeal the original charter and amendment thereto, and to make a new charter for the town of Morehead, in Rowan county.	1028
Chapter 940.	An act for the benefit of John W. Coffey, sheriff of Russell county,	1041
Chapter 941.	An act to incorporate the Hanson Graded School.	1041
Chapter 942.	An act to incorporate the Cloverport Mining and Improvement Company.	1048
Chapter 943.	An act to incorporate the Cloverport and Fordsville Railway Company	1051

	PAGE.
Chapter 944. An act to allow clerks of the county courts of this Commonwealth to employ ladies as deputies	1058
Chapter 946. An act to amend the charter of the Northern Bank of Kentucky	1059
Chapter 947. An act to amend an act to incorporate the Bank of Allensville, approved February 24, 1868	1060
Chapter 948. An act for the benefit of W. B. Foster, of Allen county	1060
Chapter 949. An act for the benefit of W. A. Butt, of Simpson county	1061
Chapter 951. An act for police regulations at Crittenden Springs	1062
Chapter 952. An act to amend an act to reduce into one the several acts in regard to the town of Lancaster, approved March 9, 1867	1063
Chapter 956. An act to amend the charter of the town of Upton	1063
Chapter 957. An act to incorporate the Farmers' Bank of Mt. Pleasant	1064
Chapter 958. An act for the benefit of Marion county	1067
Chapter 959. An act to incorporate the People's Homestead and Saving Association	1068
Chapter 960. An act to incorporate the Citizens' Bank of Frankfort	1077
Chapter 961. An act to amend an act to provide for a stock law for Jefferson and Oldham counties	1080
Chapter 963. An act to empower the county court of Ballard county to levy a tax for road purposes, and to prescribe the manner of collecting and disbursing same	1082
Chapter 964. An act for the benefit of I. N. McGlothlin, of Simpson county	1086
Chapter 965. An act allowing the jailers of Edmonson county pay while guarding prisoners at work on streets, public roads and public buildings	1087
Chapter 966. An act to amend the charter of the town of New Hope, in Nelson county	1087
Chapter 967. An act to amend an act, entitled "An act to incorporate the Calloway Agricultural and Mechanical Association," approved March 20, 1876	1088
Chapter 968. An act to incorporate the Kenton and Campbell Humane Society, ...	1088
Chapter 969. An act to authorize the county court at its court of claims to levy an ad valorem tax and fix the county levy in Adair county	1092
Chapter 971. An act to authorize the county judge of Trimble county to issue certificates to physician for pauper claims	1093
Chapter 972. An act to prevent trespassing on real estate in the county of Jefferson	1093
Chapter 974. An act to amend the charter of the town of Proctor, and reduce into one the several acts thereto	1094
Chapter 975. An act in relation to the sale of spirituous, vinous and malt liquors in Webster county	1118
Chapter 976. An act to incorporate the Bellevue and Cincinnati Tunnel and Bridge Company	1116
Chapter 977. An act to amend and reduce into one the several acts concerning the town of Madisonville	1119
Chapter 978. An act to amend an act, entitled "An act to establish a road law for Boyd county," approved March 15, 1886	1146

Chapter 979.	An act to amend an act, entitled "An act to authorize the city of Owensboro to subscribe stock to the Vincennes, Oakland City and Owensboro Railroad Company"	1146
Chapter 981.	An act to amend an act, entitled "An act to incorporate the Cumberland River and Tennessee Railroad Company," approved May 12, 1884.	1471
Chapter 982.	An act for the benefit of W. R. Johnson, sheriff of Hickman county.	1148
Chapter 983.	An act to amend an act, entitled "An act to incorporate the Mercantile Bank and Saving Association," approved May 10, 1884.	1149
Chapter 984.	An act to amend an act, entitled "An act to regulate subscriptions to the capital stock of railroad companies in Clark county"	1150
Chapter 985.	An act to amend an act, entitled "An act to incorporate the town of Ezel, in the county of Morgan," approved March 6, 1882.	1151
Chapter 986.	An act to incorporate the Kentucky River, Port Royal and Hope-well Turnpike Company, and authorize a portion of Henry county to indorse the bonds of said company.	1151
Chapter 987.	An act to incorporate the Fidelity Trust Company, of Bowling Green	1159
Chapter 988.	An act to amend an act, entitled "An act to incorporate the Camp-ton Institute," approved April 1, 1882.	1165
Chapter 989.	An act to amend an act, entitled "An act to amend the charter of the city of Newport, Campbell county, providing for sewerage in said city," approved April 19, 1882.	1165
Chapter 990.	An act to authorize and empower the Livingston county court to levy annually an ad valorem tax in said county for county pur-poses	1166
Chapter 991.	An act to amend an act, entitled "An act to incorporate the White Chimney and Stony Creek Turnpike Road Company, in Nich-olas county," approved April 3, 1884.	1167
Chapter 992.	An act for the benefit of J. J. White, late sheriff of Campbell county.	1167
Chapter 993.	An act for the benefit of T. M. White, of Campbell county, late sheriff	1168
Chapter 994.	An act for the benefit of common school district No. 15. of Magof-fin county	1168
Chapter 995.	An act to incorporate the Dollar Savings Bank, of Louisville.	1169
Chapter 996.	An act to incorporate the Buffalo and Hodgenville Railroad Com-pany.	1173
Chapter 997.	An act incorporating the Dime Savings Bank, of Louisville, Ken-tucky	1182
Chapter 998.	An act to incorporate the Henderson State Line Railroad Com-pany	1185
Chapter 999.	An act to incorporate the Licking Valley Bank of West Liberty.	1192
Chapter 1000.	An act to amend an act to incorporate the Fidelity Trust Com-pany of Louisville, Kentucky, approved April 22, 1882, and name changed to Fidelity Trust and Safety Vault Company, by act approved March 4, 1884	1194
Chapter 1001.	An act chartering the Marshall County Banking and Trust Com-pany	1194

LOCAL AND PRIVATE ACTS
OF
THE STATE OF KENTUCKY,

PASSED AT THE REGULAR SESSION OF THE GENERAL ASSEMBLY, WHICH WAS BEGUN AND HELD IN THE CITY OF FRANKFORT, ON FRIDAY, THE THIRTIETH DAY OF DECEMBER, EIGHTEEN HUNDRED AND EIGHTY-SEVEN.

S. B. BUCKNER, *Governor.*
JAS. W. BRYAN, *Lieut.-Gov., Speaker of Senate.*
BEN. JOHNSON, *Speaker House of Representatives.*
GEO. M. ADAMS, *Secretary of State.*
P. W. HARDIN, *Attorney-General.*

CHAPTER 455.

AN ACT to incorporate the Christian Church at Bethany, Morgan county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That S. W. McGuire, James S. Elam, and T. A. May, and their successors, be, and they are hereby, constituted a body-corporate, to be known and designated by the name and style of the Bethany Christian Church of Morgan county, Kentucky; and by that name shall have perpetual succession and a common seal, with power to change and alter the same at

pleasure; and as a body-corporate may sue and be sued, plead and be impleaded, defend and be defended, in any courts of this Commonwealth.

§ 2. They may acquire and hold, either by purchase, donation, gift, devise, bequest or otherwise, real or personal estate, and may sell, convey, or dispose of the same for the use of said corporation as they may see fit, with the consent of the majority of the members in good standing of said church at the time.

§ 3. This act shall take effect from and after its passage.

BEN. JOHNSON,

Speaker of the House of Representatives.

JAMES W. BRYAN,

Speaker of the Senate.

Approved March 9, 1888.

S. B. BUCKNER.

By the Governor:

GEO. M. ADAMS, *Secretary of State.*

CHAPTER 456.

AN ACT to amend an act, entitled "An act to incorporate the Central Transfer Company," approved April 16, 1884.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Central Transfer Company," approved April 16, 1884, be, and the same is hereby, amended as follows: The said Central Transfer Company is hereby authorized, from time to time, at its discretion, by a vote of a majority of its stockholders, at any regular meeting, or any meeting called for the purpose, to increase its capital stock to any amount not exceeding (\$150,000) one hundred and fifty thousand dollars. And it may, under the terms and upon the conditions provided in

the third section of the said act of its incorporation, borrow money and issue its bonds for any amount not exceeding the amount of its capital stock so increased.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 9, 1888.

CHAPTER 457.

AN ACT giving the constable of the Murry magisterial district, in Calloway county, the right to appoint a deputy.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the constable of Murry magisterial district, of Calloway county, Kentucky, shall have the power and authority to appoint a deputy to aid in the discharge of the duties of constable of said district.

§ 2. But said appointment shall be made only by the consent and approval of the county court of Calloway county, in which court said deputy, before he acts as such, shall take the oaths now required to be administered to constables.

§ 3. The principal shall be responsible on his bond for all official acts of his deputy.

§ 4. This act shall be in force from and after its passage.

Approved March 9, 1888.

CHAPTER 458.

AN ACT to amend the charter of the Lexington Opera-house Company.

WHEREAS, It is represented to the General Assembly of the Commonwealth of Kentucky, that for the building and completion of its opera-house, at Lexington, the said company, in excess of the capital stock subscribed and paid in, have expended about

fifteen thousand dollars, which sum is now a debt against it, and said company are desirous of making provision for the payment of said indebtedness, by the issue of preferred stock of said company, redeemable as hereinafter provided ; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That said opera-house company be, and it is hereby, authorized and empowered to issue preferred stock in said company not to exceed fifteen thousand (\$15,000) dollars, in shares of one hundred dollars each, which shall be a preferred debt and a lien upon the property of the company, the proceeds of which shall be used to pay the indebtedness aforesaid. Upon said shares of stock, which shall be denominated preferred stock, the company shall pay a semi-annual dividend of three per cent. on the first day of April and October. But said company has the right to redeem said stock on the first day of April or October in any year, by paying the par value of same and the interest that may have accrued thereon to the date of redemption ; and this right to redeem said stock, and the time within which it shall be exercised, shall be indorsed on the certificates before they are issued or delivered.

§ 2. This act shall be in full force from and after its passage.

Approved March 9, 1888.

CHAPTER 459.

AN ACT to incorporate the Methodist Protestant Church for the Tennessee District, which embraces a part of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the annual conference of the Methodist Protestant, Tennessee District, which embraces a

part of the State of Kentucky, is hereby incorporated; and by that name may sue and be sued, plead and be impleaded, and hold property, real, personal or mixed, and that the capital stock of said conference shall not exceed five hundred thousand (\$500,000) dollars.

§ 2. *Be it further enacted*, That the affairs of said corporation may be managed by the annual conference of the Methodist Protestant Church, Tennessee District, or any seven persons said conference may elect or appoint, said persons to be elected or appointed annually by said conference, and shall continue in office until their successors are appointed, one of whom shall be elected by said seven persons president of their body.

§ 3. *Be it further enacted*, That the property which said conference is authorized to hold shall be applied to said religious, charitable, literary or missionary purposes as said annual conference may designate: *Provided*, Said application of said property or funds shall not be in violation of the Constitution or laws of this State or of the United States.

§ 4. *Be it further enacted*, That said corporation may hold property of any kind in trust for such religious, charitable, literary or missionary purposes as the donor or testator may designate, not inconsistent with the Constitution or laws of this State or of the United States, and execute said trust.

§ 5. *Be it further enacted*, That said corporation shall have the power to appoint a treasurer of said corporation, either of their own body or any other person, and take bond and security for the faithful performance of his duties, and impose such penalties as they may deem just, not contrary to the laws of this Commonwealth.

§ 6. *Be it further enacted*, That a majority of directors, authorized to be elected or appointed by said conference, shall constitute a quorum to do business; and said corporation shall have power to sell, by the

usual mode of conveyance, any property they may hold in furtherance of the objects herein authorized.

§ 7. The present board of directors consists of the following persons, viz: B. F. Duggan, Jos. Camper, J. S. Chandler, M. F. Thompson, J. P. Warner, W. H. Moore and J. N. Howard.

§ 8. This act shall take effect from its passage.

Approved March 9, 1888.

CHAPTER 460.

AN ACT to enable the Newport and Licking, the Old State Road, and the Alexandria and Licking Turnpike Companies, in Campbell county to consolidate, or to contract with each other to authorize the erection of a toll-gate and the collection of tolls for each other, and to fix the rate of toll in certain cases.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Newport and Licking Turnpike Company, the Old State Road Turnpike Company, and the Alexandria and Licking Turnpike Company, be, and they are hereby, empowered, by and with the consent of four-fifths in interest of the stockholders in said companies respectively, to so consolidate, under the name of "The Newport, Licking and Alexandria Turnpike Company," as to enable the latter company to have and control one continuous and unbroken road from Newport to Alexandria in said county, the Old State Road Turnpike Company to retain its present name and organization, except such part thereof as is essential to and becomes a part of said continuous road from Newport to Alexandria; or said companies, by and with such consent, may buy, sell, lease, or otherwise contract to or with each other, in such way and to such an extent, in respect of their several roads or parts thereof, as, in the judgment of said four-fifths interest, may best promote the interests of said roads and of the public.

§ 2. That such consolidated company, or said companies respectively, shall have the right, where the toll is now less than one cent, to charge one cent.

§ 3. Said Old State Road Turnpike Company shall have the right to erect a toll-gate at a point within a mile of its intersection with the road of the present Alexandria and Licking Turnpike Company.

§ 4. This act shall take effect and be in force from and after its passage.

Approved March 9, 1888.

CHAPTER 461.

AN ACT to legalize and ratify the subscription of the Boyle county court to the capital stock of the Boyle and Lincoln Turnpike Company.

WHEREAS, At the October term, 1886, of the Boyle county court, a subscription of two hundred and fifty dollars to the capital stock of the Boyle and Lincoln Turnpike Company was ordered and made by said court in behalf of Boyle county, subject to the action of the Legislature in the premises; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said subscription in behalf of Boyle county to the capital stock of said company be, and the same is hereby, legalized, ratified and confirmed, with the same effect as if said county and said court had, before the making of said subscription, been fully authorized and empowered by law to order and make the same.

§ 2. This act shall take effect from its passage.

Approved March 9, 1888.

CHAPTER 462.

AN ACT to amend the charter of the Elizaville Cemetery Company, of Elizaville, Fleming county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

That section four of the charter of the Elizaville Cemetery Company be, and the same is hereby, so amended as to read as follows, viz :

§ 1. When a burial lot is purchased and payment made therefor, the trustees shall cause a certificate, under the seal of the corporation, to be issued in the name of the purchaser, the same to be signed by the chairman and secretary, which shall vest the purchaser with title. This title shall be transferable according to such rules and regulations as may be prescribed by the by-laws of the corporation, but in no other manner ; but shall descend or pass by devise as other real estate. The company shall have a lien on any lot sold and not paid for in full for the purchase money or any unpaid part thereof. Such lots shall never be used for any other purpose than burial lots ; and, if applied to any other use, the title shall revert to the corporation.

Approved March 9, 1888.

CHAPTER 463.

AN ACT to authorize the county court of Pike county to issue bonds for the purpose of building a court-house and offices therein.

WHEREAS, At the October term, 1887, the court of claims of Pike county, by an order of record, unanimously requested the Legislature to pass an act enabling the county court to issue bonds for the payment to the builders for the building of a new

court-house and offices therein, for Pike county; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the county judge of Pike county is hereby empowered and directed to issue bonds for an amount not to exceed twenty-five thousand dollars, with interest-bearing coupons attached, payable to the bearer or order, at the Catlettsburg National Bank or Ashland National Bank, both of Boyd county, Kentucky; said bonds to issue in sums not less than one hundred nor more than one thousand dollars each, to be payable in such sums as will defray said indebtedness of twenty-one thousand and five hundred dollars within a period of thirty years. The first payment to be made within one year, and then one to be due for each succeeding year thereafter, until said indebtedness is paid, and so as to make the payment for each year equal or nearly equal. Said bonds are each to bear interest at the rate of six per cent. per annum from their date until paid, and said interest to be paid at one of said banks semi-annually; said bonds shall be signed by the county judge of Pike county and countersigned by the clerk of the Pike county court, with his official seal attached. The judge may sell said bonds at their par value: *Provided*, Before he may do so he shall execute a bond, before the clerk of the Pike-circuit court, with good security, in the sum equal to the amount of the said bonds, or he may deliver said bonds to the contractor or builder of the court-house, without executing said bond; said builder to receive them at their par value; and if said builder does receive and negotiate said bonds, it shall be in satisfaction of his present contract for the building of said court-house.

§ 2. It shall be the duty of the county court of levy of Pike county, annually to levy a tax of not exceeding twenty-five cents per annum on the hun-

dred dollars on all the tax-payers of Pike county, to liquidate said bonds and their interest as they become due. The levy to be made under the general laws upon that subject.

§ 3. It shall be the duty of the sheriff of Pike county to collect said taxes which may be thus levied, and pay the same over to the county judge of Pike county, and shall be responsible therefore on his official bonds.

§ 4. It is made the duty of the county judge to receive said money from the sheriff and deposit the same in the bank in which said bonds may be made payable, as said bonds and interests may become due, for which money he shall be responsible for on his official bond.

§ 5. The county judge is hereby directed and empowered to use the money, when collected by the sheriff, collected from the levy of fifteen cents on the hundred dollars' worth of property made at the October term, 1887, of the Pike county court of levy, for the purpose of redeeming the first bond due and the interest thereon due.

§ 6. This act shall take effect from its passage.

Approved March 9, 1888.

CHAPTER 464.

AN ACT to amend an act, entitled "An act to provide for appointing and electing commissioners for the county of Kenton, and defining their duties and the duties of other county officers, whose duties are connected with the duties of said commissioners," approved March 27, 1880.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Amend section 21 by striking out the word "three," and insert in lieu thereof the word "five."

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 9, 1888.

CHAPTER 465.

AN ACT to prohibit the sale of intoxicating liquors in a prescribed boundary in Madison county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That hereafter no spirituous, vinous or malt liquors, or intoxicating beverages, shall be sold within the following described boundary around the school-house of the Kingston Joint Stock School Company, in Madison county, Kentucky, located in the town of Kingston: Beginning at Robt. Patton, at Mt. Zion Church, including Patton's residence; thence a straight line to James B. Parker, including his residence; thence a straight line to the first toll-gate on the Berea Turnpike Road, including the toll-house; thence with the Berea pike towards Berea to Jas. M. Bowen's, including his residence; thence a straight line to T. J. Gibbs', including his residence; thence a straight line to Robert Yates', including his residence; thence a straight line to James P. Beatty, including his residence, and Brock Maupin; thence from J. P. Beatty's to Frank W. Maupin, including his residence; thence a straight line to Robt. Patton's, at the beginning.

Boundary in which unlawful to sell.

§ 2. If any person shall, within the limits of said district as named in section 1, sell or barter by retail or wholesale, any of the liquors herein, or mixture of either, or nostrums as aforesaid, shall, on conviction, be fined not less than fifty nor more than one hundred dollars for each offense.

Penalty for violation.

§ 3. All fines mentioned in this act may be recoverable, either by indictment by a grand jury, or upon warrant of any justice of the peace, police judge or county judge of said county in which the violation is committed, which warrant shall be issued either upon the knowledge of the peace officer or upon information given by any citizen of the Commonwealth.

Fines, how recovered.

Election.

§ 4. That it shall be the duty of the county court of Madison county, at its April term, 1888, to make an order on the order-book, directing the sheriff of said county to cause a poll to be opened at the school-house aforesaid, in said district, of which the town of Kingston is a part, on the first Saturday in May next, for the purpose of taking the sense of the legal voters in said district as defined in section 1, as to whether or not spirituous, vinous or malt liquors, or other intoxicating beverages, shall be sold in said district. Notice of said election shall be posted on said school-house and five other conspicuous places in said district at least ten days before the day on which the election is to be held. It shall be the duty of the county court to appoint the necessary officers to hold said election, when the order therefor is made, who shall be served with notice of their appointment as officers of a general election are.

Result of vote.

§ 5. And if a majority of said legal voters voting on the question approving or disapproving this act shall vote in favor of this act, thereafter this act in all its provisions shall be enforceable, but should a majority of said legal voters voting on said question vote against this act, then the provisions of this act shall be null and void.

Vote to be certified to county court.

§ 6. Said officers shall certify the vote polled on said question to the said county court, and the judge of said court shall cause said certificate to be entered on the order-book of his court.

§ 7. This act shall take effect from and after its passage.

Approved March 9, 1888.

CHAPTER 466.

AN ACT creating a new charter for the town of Owenton, in Owen county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the inhabitants of the town of Owenton, in the county of Owen, be, and they are hereby, incorporated and made a body-politic and corporate, Body-corporate. under the name and style of the "Town of Owenton," Name. and in said name shall have full power to contract and be contracted with, to sue and be sued, to plead and be impleaded, to have perpetual succession, and to do and perform all such acts and things as such corporate bodies may rightfully do.

§ 2. The boundaries of said town shall be as follows: Beginning at a planted stone on the lands of T. W. Staiar; thence north eighty-seven and one half degrees, west one hundred and fifty poles, to a planted stone on the lands of W. H. Suter; thence south two and one-half degrees, west one hundred and ninety poles, to a planted stone on the lands of J. A. Moore; thence south eighty-seven and one-half degrees, east one hundred and fifty poles, to a planted stone on the lands of F. Ford; thence north two and one-half degrees, east one hundred and ninety poles, to the beginning. Boundary.

§ 3. That all persons residing in said town sixty Who may vote. days previous to an election, or who are bona fide owners of real estate therein, and who have the right to vote for members of the General Assembly and other officers of this Commonwealth, shall be qualified to vote for officers of said town.

§ 4. The officers of said town shall be a board of Board trustees. trustees consisting of five members, who shall hold their offices for four years; a police judge, who shall hold his office for four years, and a marshal, who shall hold his office for two years; the present officers of

Elections for
marshal and
police judge.

How and when
held.

Officers of elec-
tion.

Illegal voting.

Terms.

Chairman.

By-laws.

said town shall hold their respective offices during the terms for which they were elected ; and elections for a marshal of said town shall be held on the first Monday in September, 1888, and on the same day in every second year thereafter ; and for a police judge and board of trustees on the first Monday in September, 1890, and on the same day in every fourth year thereafter ; which elections shall be held at the court-house in Owenton, or at such other place in said town as may be designated by the board of trustees, and shall be held between the hours of seven o'clock in the morning and six o'clock in the evening by two judges, a sheriff and clerk of such election, who shall be appointed by the board of trustees, and who shall be governed by the same rules and be under the same responsibilities as officers of State elections in this Commonwealth ; and all laws of this Commonwealth in regard to illegal voting shall apply to all persons voting at any of such elections. The terms of all elective officers of said town shall commence on the first Monday in October next after their election, and continue until their successors are elected and qualified.

§ 5. Said board of trustess shall elect one of their number chairman, who shall preside over the board at all meetings, and he may call special meetings of said board when deemed proper or necessary by him. Said board of trustees shall have power to make by-laws and ordinances for the government of said town, for the preservation of good order, decency and decorum within its limits ; for the preservation of the peace, lives, health and property of the citizens, inhabitants and others within its limits ; for the preservation, repair and improvement of the streets, sidewalks, alleys and other public property of said town ; to require the owners of real estate in said town to build and repair the sidewalks in such manner and with such material as said board may direct ; and in the event that the owners of such real estate shall fail or

refuse to build or repair such sidewalks as required as
 aforesaid, said board of trustees shall have the power
 to have the same built or repaired, and shall have a
 lien on the real estate in front of which such sidewalk
 may be built or repaired for the cost and expenses of
 the same, which lien may be enforced by appropriate
 proceedings in the Owen circuit court. Said board of
 trustees shall have power to prevent the erection of General provisions.
 unsafe buildings, chimneys or flues; to have same
 inspected, and condemn such as are unsafe; to prevent Condemnation buildings.
 and abate nuisances; to suppress tippling-houses and
 bawdy houses, or houses of ill-fame; to license and License tax.
 tax auctioneers, peddlers and itinerant venders of
 goods, wares, merchandise, drugs, medicines and nos-
 trums; also to tax any show, menagerie, circus or
 other exhibition which may be held, shown or exhibited
 in said town, or within one-half mile of the corporate
 limits thereof; said board of trustees may also provide
 and maintain suitable apparatus for the extinguish-
 ment of fires in said town. They may cause to be dug
 wells and cisterns in said town for the supply of water
 for the inhabitants thereof, and for the extinguish-
 ing of fires. They may extend the streets and alleys Extend streets.
 of said town, or open new streets and alleys; but no
 street or alley shall be extended or opened except by
 consent of the owner of the land over which the same
 may pass, except in the manner prescribed by law.
 Said board of trustees shall have power to prescribe Penalty viola-
tion by laws and
ordinances.
 adequate penalties for violations of the by-laws,
 ordinances and regulations of said town, and to cause
 such penalties to be inflicted: *Provided*, That they
 shall have no power to make any by-law, ordinance,
 rule or regulation in contravention of the Constitution
 and laws of the United States or of this State: *Pro-
vided further*, That they shall not have power, in any
 one case for a violation of the by-laws and ordinances
 of said town, to inflict a greater penalty than a fine of
 one hundred dollars, or imprisonment for fifty days,
 or both such fine and imprisonment.

§ 6. Said board of trustees shall have power to
License tax. grant licenses to keep coffee-houses in said town, and they may impose a tax of not less than three hundred dollars and not more than five hundred dollars per year, for the benefit of said town, upon each person obtaining such license, which shall be paid when the license is obtained ; but said board of trustees shall have no power to grant any license for the
Sell liquors. sale of any spirituous, vinous or malt liquors, or a mixture thereof, whenever the sale of the same shall be prohibited by any law of this State: *Provided further*, That such license shall not take effect until the applicant shall also pay to the county court clerk the State tax due on such license.

§ 7. Said board of trustees shall have power to levy
Poll tax. a poll-tax of not exceeding two dollars and fifty cents on each male resident in said town over the age of
Ad valorem. twenty-one years, and a tax of not exceeding fifty cents on each one hundred dollars' worth of real estate in said town, as shown by the assessor's book of the county for the current year ; but except yards and gardens and necessary out-buildings, no real estate shall be taxed by said board, except it shall have been laid off into town lots or otherwise used or improved than for farming purposes ; and should the owner of any real estate in said town fail or refuse to pay the taxes levied thereon in pursuance
Collection of taxes. of this act, the board of trustees may cause the same to be sold for said taxes by the town marshal, at the court-house door in Owenton, at public auction, to the highest bidder for cash in hand, the sale having been first advertised for at least thirty days. The owner of the property so sold may redeem the same within two years from such sale by paying to the purchaser thereof the purchase money therefor, with interest thereon at the rate of thirty per centum per annum from the date of sale ; and should the owners of such property fail to redeem the same within said period, it shall be the duty of the marshal to convey

the same by deed to the purchaser, and this deed shall vest in such purchaser all the title which the former owner may have had to such real estate.

§ 8. Said board of trustees shall have power to appoint a clerk, whose duty it shall be to keep a fair record of all the proceedings of the board, and to perform such other duties as may be prescribed by the board. They may also appoint a treasurer, prescribe his duties, and shall require him to execute such bond as may be sufficient to protect the interests of the town. They may also appoint an attorney for said Attorney. town, whose duty it shall be to prosecute all persons charged with a violation of the ordinances of said town, and the board may agree with said attorney as to his compensation. They may appoint special Policemen. policemen, and invest them with the powers of peace officers, and prescribe their duties. They may estab- Work-house. lish a work-house, and appoint a warden or keeper thereof. They may appoint such other officers as may be necessary in said town, and may prescribe their duties. All officers appointed by said board of trustees shall hold their offices during the pleasure of the board.

§ 9. The judicial powers of said corporation shall Police court. be vested in and exercised by a court, to be styled the "Owenton Police Court," which shall be held by the police judge of said town, under the style of the "Judge of the Owenton Police Court." A regular Term. term of said court for the trial of civil actions shall be held on the second Monday in each month of the year; and said police judge shall hold a regular monthly term of said court for the trial of penal and criminal causes on a day to be fixed by him and noted of record in the order-book of said court; but he may hold a court at any time for the trial of such causes. It shall be the duty of said police judge to issue his warrant for the arrest of any person upon affidavits being filed that such person is guilty, or that there

are grounds for so believing him guilty of a violation of any ordinance of said town.

Penal jurisdiction.

§ 10. Said police judge, as judge of said court, shall have exclusive jurisdiction of all offenses against the ordinances of said town; may hold examining courts, and he shall have the same jurisdiction in all penal cases as that of a justice of the peace for Owen county; he may take recognizances and bail bonds for appearance in any case in his said court, and the collection of such recognizance or bail bond may be enforced in said court.

Civil jurisdiction

§ 11. Said police court shall have jurisdiction of all civil actions or motions for the recovery of money or personal property, either at law or in equity, within the county of Owen, in which the matter in controversy, exclusive of interest and costs, shall not exceed the sum of one hundred dollars.

Concurrent jurisdiction.

§ 12. Whenever the jurisdiction of said police court in any civil action is concurrent with that of circuit courts, a tax of fifty cents shall be paid to said police judge for the purpose and under the same conditions as when such taxes are paid to circuit court clerks, and shall be accounted for in the same manner. In all such actions the fees of the police judge shall be the same as those allowed by law to circuit court clerks for similar services, and the fees of the officer executing the process shall be the same as those allowed by law to sheriffs for similar services; and in taxing as costs the fees of officers and attorneys in all such actions, the same rules of law which apply to and govern clerks of circuit courts shall apply to and govern said police judge. In all civil actions in said police court in which the amount in controversy, exclusive of interest and costs, does not exceed the sum of fifty dollars, the fees of said police judge shall be the same as those allowed by law to justices of the peace for similar services; and the fees of the officer executing the process shall be the

Fees.

same as those allowed by law to constables for similar services.

§ 13. Said Owenton police court shall be a court of record. Said police judge shall act as clerk of said court. He shall keep a fair record of all its proceedings in suitable books to be furnished by the town of Owenton, and duly certified copies of the records of said court may be given in evidence in the other courts of this State. Said police judge shall have power similar to a justice of the peace to grant attachments, injunctions, restraining orders and other provisional remedies; he may issue any and all process, precepts and other instruments necessary to carry out the judgments or orders of said court, and may enforce obedience to the same. He may punish contempts by a fine of not exceeding ten dollars.

§ 14. Any summons, warrant, subpoena, execution, capias, order for a provisional remedy, or other process issuing from said police court, may, at the option of the plaintiff, be directed to the marshal, a constable, or the sheriff, or in their absence, to the coroner or jailer, any of whom may execute the same.

§ 15. The laws governing the election of a special judge of a circuit court as to the cause and manner thereof, shall apply to the election of a special judge of said police court, who shall possess the qualifications of a police judge. The pleadings and mode of procedure and practice in said police court shall be governed by the Kentucky Codes of Practice in civil and criminal cases, except as herein provided; and any term of said court may continue from day to day until the business thereof may be completed.

§ 16. If, during the pendency of any action in said police court, it shall appear that the title to, or boundary of, any real estate is involved in the controversy, it shall be the duty of the court, on the motion of either party to the action, to make an order transferring the cause to the circuit court of the county, and to deliver

Attachments, injunctions, &c.

Special judge.

Pleadings.

Title to real estate.

Transfer case to circuit court.

to the clerk of said court all the original papers and certified copies of all orders made in such action ; said clerk shall thereupon place said action upon the docket of his court, and the same proceedings may be had thereon as though the action had been originally instituted in said circuit court ; and in no event shall the title to, or boundary of, any real estate be affected by any judgment of said police court.

§ 17. All fines and forfeitures recovered in the
 Fines and forfeitures. Owenton police court for violations of the town ordinances of the town of Owenton are hereby granted to said town of Owenton, and shall be paid into the treasury of said town. Any person who shall fail or refuse to pay or replevy, with good security, any fine assessed or adjudged against him in said police court, as well as the costs of the prosecution, may be imprisoned in the county jail of Owen county until such fine and costs shall be paid or replevied ; but such imprisonment shall not exceed one day for each two dollars of such fine and costs ; or any person failing to pay or replevy any such fine and costs inflicted for a violation of the ordinances of said town, or of the laws within its limits, may be required by the judgment of said court or jury trying the case to work upon the streets or other public works of said town under the supervision of the marshal, at the rate of one dollar per day until said fine and costs shall thus be paid. The marshal shall use all necessary force to
 Marshal. compel such defendant to work. The jailer shall diet
 Jailer. such defendant during the period of such labor, and when not engaged at such labor the defendant shall be confined in the jail until the expiration of his term of service. It shall be the duty of the jailer of Owen county to receive and keep in the jail of said county all persons committed thereto, under any order of or
 Jailer's fees. *capias* from the said police court ; but the fees of said jailer for imprisoning and keeping and providing for all persons committed for violations of the ordi-

nances of said town, shall be allowed by the board of trustees and paid out of the treasury thereof.

§ 18. The marshal of said town shall be a voter and a resident therein, and he may, by and with the consent of the board of trustees, appoint a deputy, who shall have the same powers and perform the same duties as the marshal. It shall be the duty of the marshal to execute all orders, notices, etc., issued by the board of trustees; to attend all regular and other terms of the police court held for the trial of penal causes; to execute all warrants or other process; also any order or *capias* issued from the Owenton police court in any prosecution for a violation of any of the ordinances of said town, or of the laws of this State within the limits of said town; and in the execution of the process in any criminal or penal prosecution in any court in this State, said marshal shall have the same powers as those of a constable of Owen county. It shall also be the duty of the marshal to collect all taxes assessed in said town, as also to properly assess all taxable property in said town. Before entering upon his duties, the marshal shall take the oath prescribed by the Constitution of this State, and shall, before the board of trustees, execute a bond with good security, conditioned that he will well and faithfully perform the duties of his office, and that he will pay over and account for all taxes and all other moneys collected by himself or deputy upon any execution, order of court, or of the board of trustees, or on any *capias*, execution or other process, or which may otherwise be collected as marshal, to the proper person or persons, which bond shall be payable to the "Town of Owenton," and shall be on the conditions and under the penalties of the bonds required to be given by constables for the discharge of their duties; and the same remedies may be had upon said bond as may be had on the official bonds of constables.

§ 19. The marshal of said town may, in the Owen county court, take the oaths required by law to be

Same powers as constables. taken by constables, and execute a bond similar to the bond required by law to be executed by constables, upon which the marshal shall have all the powers of a constable of Owen county in the Owenton district, and shall be subject to the same responsibilities as a constable of said county ; but the marshal may discharge all the duties and have all the powers conferred on him by the preceding section, without executing the bond required in this section : *Provided*, That before Deputy marshal any deputy of said marshal shall proceed to discharge any of the duties embraced in this section, the marshal shall execute in said county court a bond similar to the bond required in this section to be executed by himself, which bond shall be conditioned for the proper discharge of the duties of a constable by said deputy.

§ 20. Any officer authorized by this act to execute any process requiring bail, shall have power to take such bail.

Process. § 21. All process issued by said police judge shall be in the name of the "Commonwealth of Kentucky," and all prosecutions for a violation of the ordinances of said town or of the laws within its limits, shall be carried on in the name of the "Town of Owenton" as plaintiff.

Who eligible for trustee. § 22. No person shall be eligible for the office of member of the board of trustees or police judge of said town, unless he shall have been a voter and resident of said town at least one year next before his election or appointment ; nor shall any office of said town be held by any person not a resident and voter therein.

Police judge commissioned § 23. Before entering upon the duties of their respective offices the members of the board of trustees and the police judge shall take the oath prescribed by the Constitution of this State, and the police judge shall also take an oath similar to that required by law to be taken by county judges. The police judge shall be commissioned by the Governor upon

the certificate of his election or appointment from the chairman and clerk of the board of trustees. Said police judge shall also execute before the clerk of the Owen county court a bond similar to that required by law to be executed by county judges.

§ 24. A vacancy in the office of member of the board of trustees shall be filled by appointment by the remaining members of the board until the next regular election for trustees. A vacancy in the office of police judge of said town shall be filled by appointment by the board of trustees until the next regular election for police judge, and a vacancy in the office of marshal shall be filled in like manner until the next regular election for town marshal.

§ 25. All general laws of this Commonwealth relating to cities and towns, and not inconsistent with this act, shall apply to the town of Owenton and the Owenton police court.

§ 26. All acts or parts of acts coming within the purview of this act are hereby repealed.

§ 27. This act shall take effect from and after its passage.

Approved March 9, 1888.

CHAPTER 467.

AN ACT to amend an act, entitled "An act to incorporate the town of Glasgow, in Barren county, and repeal the present charter of the city of Glasgow."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 10 of article 5 of an act, entitled "An act to incorporate the town of Glasgow, and to repeal the present charter of the city of Glasgow," approved April 7, 1882, be amended by adding thereto the following: "And said town shall pay the jailer's fees for keeping and dieting all prisoners confined by

the Glasgow city court for a fine, or imprisonment for violations of the law within said town limits."

§ 2. All laws in conflict with this act are hereby repealed.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 9, 1888.

CHAPTER 468.

AN ACT to incorporate the Lawrenceburg Colored Cemetery Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Thomas Burras, H. C. Harris, Matt. Ellison, Henry Brown, and General Carter, and their successors, be, and they are hereby, constituted a body-corporate, under the name and style of the Lawrenceburg Colored Cemetery Company; and by that name they shall have power to contract and be contracted with, sue and be sued, use a common seal, make all necessary by-laws, rules and regulations, for its government not inconsistent with the law and the provisions hereof, and to do such other things as are incident to such a corporation and necessary to effect the object and purpose thereof, which is to provide a suitable and permanent cemetery near Lawrenceburg, in Anderson county, Kentucky, for the burial of the colored dead.

§ 2. Said corporation shall have the power to take, acquire and hold, by purchase, gift or devise, for the purpose aforesaid, any quantity of land in Anderson county, near Lawrenceburg, Kentucky, not exceeding twenty acres, and receive a conveyance of the same in its corporate name; which land, when so conveyed, shall be held by said corporation for a cemetery, and shall never be alienated or used by said corporation for any other purpose; and said land and its appur-

tenances shall be forever free and exempt from all executions, attachments and other legal process, and from any charge, liability or assignment to or for any public purpose inconsistent with its use as a cemetery, to which purpose and use it is hereby forever dedicated.

§ 3. Said corporation shall cause a plat or plan to be made of the land so acquired by it, dividing said land into avenues, walks and burial lots, and designating said avenues and walks by name, and said burial lots by number, which plat or plan shall be recorded on the books of said corporation. After said land is thus laid off, the corporation shall have power to sell said burial lots, in such manner and on such terms as may be prescribed by the board of directors of said corporation.

§ 4. Each owner of a lot in said cemetery, upon the production of a receipt in full for the price of the lot purchased by him from the acting treasurer of the corporation, shall be entitled to a conveyance of said lot, which conveyance shall be made by a certificate of the board and countersigned by the secretary of the corporation, specifying that such purchaser is the owner of such lot or lots, which certificate shall be recorded in the clerk's office of the Anderson county court; and such certificate shall invest the fee-simple right and title in and to such lot or lots in the purchaser, his heirs or assigns, forever, and shall have the same effect for all legal purposes as deeds duly executed and recorded; but said lots shall be held by the purchasers thereof subject to the by-laws, rules and regulations, of the corporation and its board of directors; and said lots shall never be used by the purchaser for any other purpose than that of burial lots, and if applied to any other purpose, the right and title thereof shall revert to the corporation.

§ 5. Each person receiving a certificate as aforesaid for one or more of said lots shall thereby become and be considered thereafter a member of said corporation,

and he or she shall be entitled to a vote in all meetings of the corporation.

§ 6. The affairs and business of the corporation shall be managed by a board of five directors, all of whom shall be lot-owners in said cemetery. The board of directors shall be elected annually by the members of the corporation, and shall hold their office for one year and until their successors are elected and qualified. They shall choose a president out of their number. They may appoint a secretary and treasurer, who shall give such bond as they may require for the faithful performance of his duty. All vacancies in said board of directors shall be filled by appointment of the president of the board.

§ 7. The board of directors shall make such by-laws, rules and regulations, as they may deem proper for calling and conducting their meetings and for the transaction of their business and duties. They shall have control of all the business transactions of the corporation; shall collect and expend for the corporation all money; shall have complete control of the cemetery grounds and other property; shall have power to inclose, improve, embellish, and to adorn the cemetery grounds, and to prescribe rules for inclosing, adorning, and erecting monuments or vaults upon the cemetery lots by purchasers.

§ 8. The persons hereinbefore named as incorporators shall constitute the first board of directors of the corporation.

§ 9. If any person shall willfully and without lawful authority violate any of the graves of the dead, or deface or remove any of the tombstones, monuments, or inclosures, or cut, break, or injure any tree, shrub, plant, or other ornament of said cemetery, he shall be deemed guilty of a misdemeanor, and besides being liable to the corporation, or to the owner of the lot, for the damage or injury done, he shall be fined not less than ten nor more than twenty-five dollars for

each offense, upon conviction in any court having jurisdiction thereof.

§ 10. The secretary shall keep in a well-bound book, kept for the purpose, a full and accurate account of all business meetings of the company—a record of the sales and transfer of lots.

§ 11. Purchasers of lots shall be required to pay cash, or furnish approved security for deferred payments, before any interments are made on their lots.

§ 12. All money realized from the sale of lots, or profits received from any source whatever, shall be devoted forever and exclusively to the purpose of inclosing, protecting, and ornamenting the cemetery grounds, except such sums as may be appropriated for necessary pay of officers and keeper.

§ 13. This act shall take effect and be in force from and after its passage.

Approved March 9, 1888.

CHAPTER 469.

AN ACT to incorporate Chestnut Grove Church, in Johnson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That G. W. Butler, W. J. McKinza and W. B. Rice, be, and they are hereby, appointed "Trustees of Chestnut Grove Church," in Johnson county, Kentucky, and they and their successors created a body-politic and corporate; and by the name and style of "Trustees of Chestnut Grove Church" shall have perpetual succession and corporate existence, with full power to contract and be contracted with, sue and be sued, plead and be impleaded, acquire and hold, for the benefit of said church, by purchase, gift, devise, lease or otherwise, real and personal estate; to manage and control the same, receive all convey-

ances thereof, to sell, convey and dispose of all such property that they may thus acquire, or that said church now owns, and to make full and perfect title thereto to the purchaser, and reinvest the proceeds thereof in such real or personal estate for the use of said church as they may deem proper. A space of two hundred yards square around the house belonging to said church is hereby fixed and set apart as the corporate limits of said church.

§ 2. Said trustees shall continue in office for two years, and until their successors are elected and qualified. Trustees of said church shall be elected biennially by the members thereof, at some regular business meeting to be fixed by said members. Such trustees shall have the power to choose from their own body a president, secretary and treasurer, and to fill vacancies in their own body until the next regular election.

§ 3. All money belonging to said church, or debts or evidences of debts due same, shall be placed in the hands of said trustees, and shall be invested or paid out by them as directed by order made at some regular business meeting of the members of said church; and no money shall be paid out except on such order, signed by the president and countersigned by the secretary of said board of trustees.

§ 4. A majority of the members of said board of trustees shall constitute a quorum for the transaction of any business which they are empowered by this act to do. They shall have the power to establish, amend or repeal such by-laws, rules and ordinances, as they may deem necessary for the supervision and government of the financial and fiscal affairs of said church: *Provided, however,* That such rules, by-laws and ordinances, shall not be inconsistent with the provisions of this charter, or the Constitution and laws of this State or of the United States.

§ 5. Said trustees, before entering upon the discharge of their duties, shall take an oath to duly and

faithfully perform the same to the best of their ability.

§ 6. This act shall take effect from and after its passage.

Approved March 9, 1888.

CHAPTER 470.

AN ACT to incorporate the Coyne & Solar Detective Agency, in Campbell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Thomas Coyne and Stephen Solar, their associates and successors, be, and they are hereby, created a body-corporate, under the name and style of the Coyne & Solar Detective Agency ; and by said name and style shall have the power to sue and be sued, contract and be contracted with, and all the powers incident to such corporation.

§ 2. That the principal place of business of said corporation shall be in the city of Newport, Kentucky.

§ 3. That the said corporation shall have power to employ agents in the transaction of its said business : *Provided, however,* Before the said agents shall proceed to act they shall be duly appointed by the county judge of Campbell county, Kentucky, for a term of four years ; and further, before entering upon their duties they shall be first duly sworn by some court or justice of the peace that they will faithfully discharge the duties of their office : *Provided further,* That before said agents shall proceed to act, they shall execute bond before the county judge of Campbell county to the Commonwealth of Kentucky, in the sum of one thousand dollars, to faithfully perform all their duties and pay over all moneys that may come to their hands as such agents.

§ 4. The said agents shall have the right to go into the county of Campbell for the purpose of apprehending and arresting any law-breaker against the criminal laws of the State of Kentucky, and criminals from other States fleeing into Campbell county, and to recover any moneys or property obtained by such persons against the criminal law of this or other States; and they shall have the same powers to recover such moneys or property as sheriffs or constables have.

§ 5. That the said corporation, through its aforesaid agents, shall have the privilege, and it is incorporated for the express purpose, of discovering and recovering any property or other thing that may have been stolen, embezzled, obtained by false pretenses, by any artifice or trick, as in any other way, against the criminal laws of Kentucky or other States, and of apprehending and arresting the felon or wrong-doer guilty of so obtaining said property or other thing.

§ 6. *Be it further enacted*, That this act shall take effect from and after its passage, and shall apply only to the county of Campbell.

Approved March 9, 1888.

CHAPTER 471.

AN ACT to amend an act, entitled "An act levying and imposing a tax on the dogs of Boone county, and providing for its collection and appropriation to the payment of losses by the owners of sheep in said county, occasioned by dogs killing and injuring sheep."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act levying and imposing a tax on the dogs of Boone county, and providing for its collection and appropriation to the payment of losses by the owners of sheep in said county, occasioned by dogs killing and injuring

sheep," approved January 28, 1884, be amended as follows: That so much of said act as relates to the appointment of a receiver of said fund, and defining his powers, duties and compensation, be repealed; and it shall be the duty of the sheriff of said county, on or before the first of January in each year, to deposit the whole amount of tax collected under the provisions of this act in the preceding year in the Boone County Deposit Bank, at Burlington, to the credit of the sheep fund, and subject to the order of the Boone county court of claims, and to be paid out by them as directed by the provisions of this act and the original act.

§ 2. That section fourteen of said act be amended by adding thereto the following words: *Provided, however,* That if said funds are insufficient to pay the total amount of claims and costs arising in any year, then the balance of each claim, after paying the proratable part thereof, as authorized by this section, shall be held and deemed to be a good and valid claim against the fund collected under this act, in the succeeding year or years, and shall be first paid out of the same.

§ 3. That section twenty-two of said act is hereby repealed.

§ 4. The provisions of this amending act shall apply to all claims now pending against said fund, which were presented on or before the 10th of January, 1888, for losses occurring in the year preceding that date, and which have been presented to the court of claims of said county, but not paid in full by them, and were due or are to become due on the first of February, 1888, and to all that may hereafter be presented.

§ 5. This act to take effect and be in force from and after its passage.

Approved March 9, 1888.

CHAPTER 472.

AN ACT to amend an act, entitled "An act to prohibit horses, mules and hogs from running at large on turnpike roads in Bath county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the first section of said act is hereby amended so as to read as follows: That from and after the passage of this act it shall be unlawful for any person or persons to permit or allow their horses, mules, hogs or stock cattle to run at large upon any of the turnpike roads in that part of Bath county lying and being west of Slate creek, in said county: *Provided, however,* That there is excepted from the operation of this act all milk cows and suckling calves.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 9, 1888.

CHAPTER 473.

AN ACT for the benefit of the lessees of the New Liberty Branch Turnpike Road and the Owenton and New Liberty Turnpike Road, of Owen county.

WHEREAS, The New Liberty Branch Turnpike Road and the New Liberty and Owenton Turnpike Road intersected each other at a point within less than a half mile of the corporate limits of the town of New Liberty, Owen county, Kentucky; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the New Liberty Branch Turnpike Road Company and Sallie G. Revill, the lessee thereof, and New Liberty and Owenton Turnpike Company and E. Bishop, the lessee thereof, be, and they are hereby,

authorized to erect, operate, and maintain a toll-gate at the said point of intersection of said two roads for the purpose of collecting tolls on either or both of said roads.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 9, 1888.

CHAPTER 474.

AN ACT for the benefit of Daniel L. Cunningham, Fred. Burch and Wm. C. Williams, of Grant county.

WHEREAS, Daniel L. Cunningham, Fred. Burch and Wm. C. Williams, of Grant county, Kentucky, were regularly and legally enrolled and enlisted under the laws of this State and the United States, as members of the 32d Kentucky Infantry ; and whereas, the said Cunningham was duly elected and commissioned captain of Company B, of said regiment, on the — day of —, 1862, and the said Burch and Williams were at the same time elected and commissioned as first and second lieutenants respectively of said company ; and whereas, before the said company was regularly mustered into the United States' service, to wit, on the — day of —, 1863, the said regiment was consolidated with the 43d Kentucky Infantry, and said company merged and consolidated with certain companies therein ; and whereas, the said Cunningham, Burch and Williams, in order to facilitate the said consolidation, resigned their said commissions and offices, and returned to their homes ; and whereas, they have never been paid for their services during the time they held said commissions, and were in the active service of the State ; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Adjutant-General is hereby authorized

3—LOCAL LAWS, VOL. 2.

and requested to examine and audit the claims of the said D. L. Cunningham, F. Burch and Wm. C. Williams for said services, and if found to be meritorious, to certify the amount found to be due to each of them to the Auditor of Public Accounts, who shall thereupon draw his warrants in their favor upon the Treasurer for the sums so certified to be due.

§ 2. It shall be the duty of the Adjutant-General, as soon as the said claims have been paid, to take such steps as may be necessary and legal to secure the reimbursement of said sums from the United States Government, and to turn the same over to the Auditor as soon as collected.

§ 3. This act to take effect and be in force from and after its passage.

Approved March 10, 1888.

CHAPTER 475.

AN ACT to incorporate the Cemetery Company of Viola Lodge, No. 278, at Burlington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That O. P. Conner, D. M. Hewitt, W. E. Piper,
Incorporators. J. G. Furnish, Thomas O. Cowen, Richard White, and W. L. Riddell, and their associates, members of Viola Lodge, number two hundred and seventy-eight, Independent Order of Odd Fellows, of Burlington, Boone county, Kentucky, be, and they are hereby, created a body-politic and corporate, under the name
Corporate name. and style of the Cemetery Company of Viola Lodge, number two hundred and seventy-eight, Independent Order of Odd Fellows, and by that name said corporation shall have perpetual succession, and shall be able and capable in law to have and use a common seal; but no act or contract of the company shall be void for want of a seal; to contract and be contracted

with, to sue and be sued, plead and be impleaded, defend and be defended, in all courts of this Commonwealth and elsewhere. They shall have power to purchase any quantity of land in the county of Boone, Acquire ten acres land. not exceeding ten acres, and receive a conveyance therefor, with such covenants of warranty as they may deem proper.

§ 2. The land and appurtenances, when conveyed to said corporation, shall be held solely and exclusively and held solely for cemetery. for a cemetery and ornamental grounds, and shall never be alienated, sold or used for any other purpose whatever; but any portion of the ground not laid off may be sold or used in a manner not inconsistent with the reverence and respect due to a cemetery; and the said lodge, by a majority of its members present at any regular meeting, may, by a motion, the same having been submitted, in writing, and laid over one week, sell or use any portion of said ground in the manner hereinafter stated; and after the grounds shall be fully paid for, no part thereof shall ever be subject to sale, by virtue of mortgage or judgment, execution or decree, for any cause whatever.

§ 3. Said lodge may receive and take; by devise or bequest, any property or other things granted, devised or bequeathed for the improvement, ornamenting and beautifying of said cemetery and grounds in accordance with the bequest: *Provided*, It does not interfere with the charter or any by-law connected with it; and any grounds that may hereafter be purchased or received shall be laid out to harmonize with the present plan. Ornamenting and beautifying.

§ 4. The affairs of this corporation shall be managed Board trustees. by a board of trustees, consisting of five members of Viola Lodge, number two hundred and seventy-eight, Independent Order of Odd Fellows, to be elected by ballot, and a majority of all the votes cast shall elect; How elected. and should any of the five trustees named in this act refuse to qualify, as hereinafter stated, within thirty days after the approval of this act, the lodge shall fill

the vacancy as hereinbefore stated. The within-named trustees shall hold their office from the approval of this act until the last regular meeting of Viola Lodge, number two hundred and seventy-eight, Independent Order of Odd Fellows, in the month of June, 1888; and on that day, and every year thereafter, their successors, five in number, shall be elected; but if, in any event, the election should not be held at said meeting, then it is to be held at the first regular meeting of said lodge thereafter.

Take oath.

Vacancy.

§ 5. Each trustee, before entering upon the duties of his office, shall make oath in Viola Lodge, in the presence of the members assembled, that he will faithfully discharge the duties of his office, and will not be influenced in his conduct by sectarian or political partialities. In cases of vacancy by death or otherwise, the lodge shall nominate as many of its members as it may see fit, and at the same meeting it shall proceed to elect a trustee or trustees to fill such vacancy or vacancies.

Call meeting.

Officers.

President.

§ 6. It will be the duty of the trustees elect to call a meeting as soon as possible, and elect from their own body a president, secretary and treasurer. The president shall preside over the meetings, and sign all writings on the part of the corporation, which may be deemed necessary by the board of trustees.

Secretary.

§ 7. The secretary shall give bond, with approved security, for all moneys that may come into his hands by virtue of his office; he shall pay all moneys received by him as secretary over to the treasurer of the board of trustees, and he shall sign all drafts for money on the treasurer, the same having been ordered by the board of trustees, and signed by the president, and keep a record of all proceedings of the board of trustees, keeping copies of sales of lots in a record-book kept for that purpose; and it shall be his duty to make out semi-annual reports June the thirtieth, and December the thirty-first, of each and every year, or as often as the lodge may require, and the same

having been approved by the board of trustees, they shall be presented to Viola Lodge, number two hundred and seventy-eight, Independent Order of Odd Fellows, and having been read in open lodge, it will be the duty of the noble grand to refer them to the finance committee of said lodge for examination, and if found correct, shall be received and go to record in a book kept by the lodge for that purpose, in and under the control of the secretary of said lodge.

§ 8. The treasurer shall give bond, with approved ^{Treasurer.} security, for all moneys that may come into his hands by virtue of his office, and pay all drafts for money upon him when properly signed by the president and secretary, and the seal of the incorporation imprinted on same; it will be his duty to make out semi-annual reports, June the thirtieth and December the thirty-first, of each year, to said lodge; and it shall be his duty to make a statement of the financial condition of the corporation to the board of trustees, or to Viola Lodge, number two hundred and seventy-eight, Independent Order of Odd Fellows, whenever called upon.

§ 9. Sale of lots. Any purchaser failing to pay the ^{Sale of lots.} contract price for a lot or lots bargained for within the space of one year from the date of such contract, shall forfeit all claims to the same, and the lot or lots, with all improvements thereon, shall revert to the corporation and be held as never sold. If any interments have been made in any such lot or lots, the trustees shall have power to remove or cause the bodies to be removed to any public ground kept for burial purposes, or to a place set apart for that purpose in said cemetery: *Provided*, That the trustees shall give a written notice to the person or persons in whose name such lot or lots are purchased of at least thirty days before such action; and if such person or persons can not be found, then said notice is to be posted in said lot or lots for sixty days.

§ 10. The board of trustees shall be held personally

responsible for all purchase money for lots: *Provided*, They sell to or allow an irresponsible person to bury their dead in a lot before the payment of said lot is secured.

Purchaser's certificate.

§ 11. When a burial lot is purchased the trustees, or a majority of them, shall give the purchaser a certificate therefor, which he may have recorded by the Boone county clerk on the record of deeds in his office, and it shall be held as a deed; and it shall be the duty of the board of trustees, before making any permanent improvement, to submit the same to the lodge for its approval, they having giving a detailed statement of the kind of improvement to be done, and also the cost of same. The statement shall be read in open lodge, and after reading shall lay over one week, and if then approved by a majority of the members present, the statement shall be signed by the noble grand and the secretary. The secretary of the lodge shall hand same to the president of the board of trustees; but before proceeding with said improvements, it shall be the duty of the president to see that there is a written contract setting forth plainly the work to be done and the cost of the same; and the parties so contracting shall give good security for the faithful performance of his or their contract; and in the event of partial payments for work so done, the board of trustees shall retain thirty per centum of the estimate of work done until the work is completed according to contract and approved by the board of trustees; and in no case shall they contract to have any work done unless there is sufficient money in the treasury to pay for same.

§ 12. The proceeds arising from the sale of lots shall be first applied to the refunding of any money advanced or owing on the purchase of the land, or on the improving of the grounds, or on any fixture or structure thereon belonging to the company. All such money not necessary for said purposes shall be paid over by the trustees to the lodge, retaining a suffi-

ciency at all times in the trustees' hands to keep the grounds securely inclosed, and in proper condition for cemetery purposes.

§ 13. The title of lots purchased may be transferred Title to lots,
how transferred. under such rules as the board of trustees may prescribe by their by-laws, but in no other manner; if not transferred by the grantee, shall descend and pass as other real estate to be used for the purpose herein prescribed. Whenever an attempt is made to use any lot for other than burial purposes, the title thereto shall revert to the corporation.

§ 14. Each lot-holder shall have access to his lot at Have access to
lot. any time for burial purposes, and on other occasions, subject only to such reasonable restrictions as the company may believe necessary for the proper government, good order and protection of the property; and Ornamentation. he may adorn and beautify his lot with such monuments, shrubbery and evergreens, etc., as may be Shrubbery. suitable and appropriate to such places, but shall plant no tree or other thing upon his lot of a noxious or poisonous character, or by its nature is of such a growth as to injure, by shading or falling or otherwise, any tombstone, monument or other structure upon Protection of
tombs. said grounds or any lot therein; and the company may cause all such things to be removed from the grounds; and no lot shall be inclosed to itself in said grounds except by consent of the corporation, and in such a manner as it may agree to.

§ 15. Viola Lodge, number two hundred and seventy- By-laws. eight, Independent Order of Odd Fellows, may make any by-law it may deem necessary and proper for the government of the corporation, not inconsistent with this charter and the laws of the State of Kentucky; and the trustees of this corporation shall abide by and act in accordance with the by-laws made for the corporation by the said lodge; and in the event Viola Lodge should, from any cause, lose her charter as a lodge, and thereby cause these grounds to come under the control of the Grand Lodge Independent Order

of Odd Fellows of Kentucky, then the said Grand Lodge of Kentucky shall conduct the affairs of these grounds in accordance with these articles of incorporation, and the grand master of the State shall appoint a committee of five citizens of Burlington, Boone county, Kentucky, to take charge of said cemetery, to be governed and controlled by these articles of incorporation and the by-laws of same.

§ 16. All moneys due and demands of every kind due this corporation shall be paid to the secretary, and no one else is allowed to receive the same. If any thing due the corporation should be received by any member except its secretary, the corporation will not be bound thereby.

§ 17. *Be it further enacted*, That all contracts, conveyances and sales heretofore made or received by Viola Lodge, number two hundred and seventy-eight, Independent Order of Odd Fellows, or her trustees, in reference to the grounds, cemetery and lots owned by the lodge at any time, be, and the same are hereby, declared legal and valid.

§ 18. That this act shall take effect from and after its passage.

Approved March 9, 1888.

CHAPTER 476.

AN ACT forbidding the sale or gift of spirituous, vinous or malt liquors, or any mixture thereof, directly or indirectly, on the day of any election, in Clinton and Cumberland counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall be unlawful to sell, give, loan, or furnish any spirituous, vinous, or malt liquors, or any mixture thereof, either directly or indirectly, to any person or persons, on any election day, either primary, county, or State, in Clinton and Cumberland counties.

§ 2. Any person who shall violate the provisions of the first section of this act shall be deemed guilty of a misdemeanor, and on conviction thereof, before any justice of the peace, shall be fined not less than ten (10) dollars and not more than thirty dollars.

§ 3. That the proceeds of all fines and forfeitures arising under this act shall, after settling cost, be paid to the county superintendent of schools of the county in which the offense was committed, and he shall apply the same to the erecting or repairing of the public school-houses in said county, as provided by the common school law.

§ 4. This act shall not apply to regular practicing physicians in their regular course of practice, or to persons administering intoxicants in their own family for medicinal purposes, and does not apply to any, only election days.

§ 5. This to take effect and be in full force from and after its passage.

.[Became a law without approval of Governor March 9, 1888.]

CHAPTER 477.

AN ACT to incorporate the Spiritual Temple Society of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Edward Earll, Valentine Speed, Mrs. Amanda Hawkes, Phil. Tomppert, Jr., and their associates and successors, are hereby created a body-politic and corporate, by the name and style of the Spiritual Temple Society of Louisville ; and they, with their associates and successors, shall so continue, and have perpetual succession ; and in said corporate capacity to make contracts ; to hold, buy and sell property, both real and personal ; to contract and execute leases ; to take grants, gifts and legacies ; to make a constitution and by-laws for the government of the same, and to have a common seal ; to sue and be sued

in all courts and places; to have public worship and teachings; establish local societies; may establish lyceums and classes; may ordain and appoint teachers and lecturers and issue certificates to the same, and exercise all other privileges guaranteed to and conferred upon churches and other religious societies consistent with the laws and Constitution of the United States and the State of Kentucky.

§ 2. This act shall take effect and be in force from and after its passage.

[Became a law without approval of Governor March 12, 1888.]

CHAPTER 478.

AN ACT for the benefit of Thomas Bradshaw, of Simpson county.

WHEREAS, Thomas Bradshaw did pay this Commonwealth of Kentucky the sum of one hundred dollars, for a license to retail intoxicating liquors in Simpson county; that he paid the said license on the twenty-fourth day of March, 1886; and whereas, the sale of said liquors was prohibited in said county after January 1, 1887, and on the said first day of January, 1887, said Thomas Bradshaw did cease to sell in said county in accordance with said prohibitory law; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and the same is, authorized and directed to draw his warrant on the treasurer of the Commonwealth in favor of the said Thomas Bradshaw for the sum of twenty-three dollars, the amount due said Bradshaw for said unexpired time of said license.

§ 2. This act shall take effect and be in force from and after its passage.

[Became a law without approval of Governor March 12, 1888.]

CHAPTER 479.

AN ACT for the benefit of William Craig.

WHEREAS, John Hill, alias Davis, was arrested and tried for burglary in the Louisville police court, and held to appear before the grand jury, and there gave bail in the sum of one thousand dollars (\$1,000) for his appearance in the circuit court, which was forfeited to the State; and that William Craig did appear as a witness for the State in the prosecution of said John Hill, alias Davis, at the different trials, at an expense to himself of thirty dollars :

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of Public Accounts is directed to draw his warrant on the State Treasurer in favor of William Craig for thirty dollars, to be paid out of any money in the State Treasury not otherwise appropriated.

§ 2. This act shall take effect from its passage.

[Became a law without approval of Governor March 12, 1888.]

CHAPTER 480.

AN ACT for the benefit of Mrs. Manerva Brashears, late clerk of Letcher county court, and widow of Ezekiel Brashears (deceased), and clerk of Letcher county and circuit courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Mrs. Manerva Brashears be, and she is hereby, allowed the further time of five years, from and after the passage of this act, to distrain for and collect the outstanding and uncollected fee-bills of said Manerva and Ezekiel Brashears as clerks aforesaid.

§ 2. That this act take effect from its passage.

[Became a law without approval of Governor March 12, 1888.]

CHAPTER 481.

AN ACT to amend an act, entitled "An act to amend the charter of and to authorize the city of Mayfield to subscribe and pay for stock in the Cairo and Tennessee River Railroad Company," approved March 10, 1878.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the act to which this is an amendment, having been ratified by a majority of all the qualified voters of the city of Mayfield within the limits designated by said act, at an election held under and in conformity to said act, at the court-house in said city of Mayfield, on the first Monday in July, 1873, and every thing required to be done under the thirteenth section of said act having been complied with, and said city council of the city of Mayfield having, under and in conformity to said act so ratified, subscribed, in the name of said city, thirty thousand dollars to the capital stock of said railroad ; but said election proceedings, and steps taken thereunder, having been lost and destroyed by fire, same are hereby recognized and held to be regular and in conformity to said act approved April 11, 1873 ; and the said subscriptions of thirty thousand dollars to said railroad is hereby declared regular, and ratified, confirmed and made enforceable and collectable as required in said act.

§ 2. This act shall take effect from its passage.

[Became a law without approval of Governor March 12, 1888.]

CHAPTER 482.

AMENDMENT to an act, entitled "An act to incorporate the Owensboro and Indiana Bridge Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Owensboro and Indiana Bridge Company be, and it is hereby, authorized and empowered

to have and exercise, in the State of Indiana, all the rights, powers, faculties, franchises and privileges contained in and conferred by an act of the General Assembly of the State of Indiana, approved April 8, 1881, and entitled "An act supplemental to an act providing for the incorporation of companies formed for the purpose of constructing bridges for railway or common road-way purposes, or both, over rivers and streams forming the boundaries of the State of Indiana or a part thereof," approved March 2, 1875; and also the rights, powers, faculties, franchises and privileges contained in and conferred by the act to which the said entitled act is supplemental, so far as the same may, by the laws of said State, be had and exercised by said company.

§ 2. And whereas, the board of directors of the said Owensboro and Indiana Bridge Company, by resolution adopted on the twenty-sixth day of January, 1888, accepted the benefit of the said acts of the General Assembly of the State of Indiana, in the first section of this act mentioned; said action of said board of directors is hereby approved, ratified and confirmed.

§ 3. The directors of said company are authorized and empowered to accept donations or subsidies, in money, bonds, guarantees, lands or other thing, from individuals or corporations to aid in the construction of said bridge, and may contract for material or services, payable in stock or bonds of said company.

§ 4. This act shall take effect and be in force from and after its passage.

[Became a law without approval of Governor March 12, 1888.]

CHAPTER 484.

AN ACT to amend "An act to incorporate the German Evangelical Church of St. Peter's, of Louisville," approved February 28, 1860.

WHEREAS, A society of Christians had existed in Preamble.
the city of Louisville for a number of years prior to

the passage of the act incorporating the German Evangelical Lutheran Church of Louisville, of February 28, 1860, at first under the name of Evangelical Apostolical Congregation of St. Peter's Church, and afterwards under the name of St. Peter's German Lutheran Church, and had acquired real property under both of said names; and whereas, the society is the same which was afterward incorporated under the name of German Evangelical Lutheran Church of St. Peter's of Louisville, and doubts have arisen whether the said corporation has, under the provisions of said act, the power to sell the real estate acquired before its said incorporation; and whereas, said corporation is desirous to have the creed of its members more clearly defined, and to obtain certain additional rights and franchises; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Change of name
and corporate
powers.

§ 1. That the name of the said corporation be, and the same is hereby, changed to "The German Evangelical St. Petri Congregation of Louisville;" and that by that name it shall have all the corporate rights and franchises granted to it by virtue of the said act of February 28, 1860; and also the further right to have a common seal, to make by-laws and to alter the same from time to time; to acquire by purchase, gift, devise, or otherwise, and to hold, any property, real or personal, which in its opinion may be necessary for the purposes of its organization, not to exceed in value, together with the property already owned by it, the sum of one hundred thousand dollars.

Title to property.

§ 2. The title to the real property purchased by said society before its incorporation, under the names of Evangelical Apostolical Congregation of St. Peter's Church and St. Peter's German Lutheran Church, and the legal title to which property was vested in certain persons as trustees for said society, to-wit:

The lot on the south side of Grayson street, in the city of Louisville, beginning fifty-five feet east of Eleventh street, running thence eastwardly, and fronting on Grayson street seventy five feet, and extending back southwardly between lines running at right-angles to Grayson street one hundred and fifty-two feet to an alley, together with all buildings thereon, shall be vested in the German Evangelical St. Petri Congregation of Louisville, for the use of the persons who may now be members thereof, and of those who may hereafter become members, as long as they shall remain such members for the purpose of worshiping God and of religious instruction, according to the Evangelical creed as hereinbelow more fully defined.

§ 3. No one shall become or remain a member who does not believe in the creed, and the interpretation of holy scripture as laid down in the Confession of Augsburg, the Catechism of Luther and the Heidelberg Catechism, in points on which these books agree with each other. On points on which these books differ, each member shall have the right to interpret the Scriptures according to his own light, with the freedom of conscience peculiar to the Evangelical creed. Eligibility of members.

§ 4. The congregation may, by by-laws, prescribe additional qualifications for membership, and the conditions on which persons may be admitted to membership; also the duties of members, and the grounds for which members may be expelled, and the mode of procedure in such cases, and other rules of church discipline; also the manner in which general meetings of members may be called, and the rules of such meetings. By-laws.

§ 5. The corporation shall have the right to sell, and by deed to convey, any and all its real estate, both such as now stands in the name of trustees for the use of the Evangelical Apostolical Congregation of St. Peter's Church, and for the use of the St. Peter's German Lutheran Church, as also any other real Right to sell and convey property.

estate which said congregation may have since acquired or may hereafter acquire: *Provided*, That a majority of the members of the corporation present at a meeting of members called for the purpose of deliberating upon a sale of church property, vote in favor of such sale. The deed signed by the president (or, in case of his absence or inability to act, by the vice-president) and countersigned by the secretary (and in case of his absence or inability to act, by its treasurer), with the seal of the congregation attached, shall, in such case, vest the title in the purchaser.

§ 6. The corporation shall endure as long as it shall have five members in good standing.

§ 7. This act shall go into force from and after its passage.

[Became a law without approval of Governor March 13, 1838.]

CHAPTER 485.

AN ACT for the benefit of Peter Ackerman, of Bowling Green, Kentucky.

WHEREAS, Peter Ackerman, of the city of Bowling Green, did, on the seventh day of September, 1887, obtain from the county court of Warren county a license to sell by retail spirituous, vinous and malt liquors for the term of one year from said date, at the fair grounds within the corporate limits of said city; and whereas, said license has not been used by him at said fair grounds exceeding four days; and whereas, said Ackerman is now conducting the business of a retail dealer in spirituous, vinous and malt liquors on Sumner street, in said city of Bowling Green, Kentucky; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the said Peter Ackerman be, and he is hereby, allowed and authorized to conduct the busi-

ness of a retail dealer, within the city of Bowling Green, of spirituous, vinous and malt liquors, under and by authority of the same license procured by him from the Warren county court for the purpose of conducting said business at the fair grounds of said city.

§ 2. This act shall take effect from and after its passage.

[Became a law without approval of Governor March 18, 1888.]

CHAPTER 486.

AN ACT to amend an act, entitled "An act to amend an act, entitled 'An act to incorporate the Mt. Sterling Coal Road Company,'" "

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That sections 7 and 8 of an act, entitled "An act to amend an act, entitled 'An act to incorporate the Mt. Sterling Coal Road Company,'" approved February 16, 1888, are hereby repealed.

§ 2. That the said act be further amended by striking out, in section two, the words, to wit: "Montgomery county not to exceed one hundred and twenty-five thousand dollars," and by inserting in lieu thereof the words "Montgomery county not to exceed one hundred and fifty thousand dollars."

§ 3. This act shall take effect and be in force from and after its passage.

[Became a law without approval of Governor March 18, 1888.]

CHAPTER 488.

AN ACT to incorporate the Bath County Stock and Trotting Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Incorporation
and names of in-
corporators.

§ 1. That the present Bath County Stock and Trotting Association, in the county of Bath, represented by Joseph Arrosmith, president; Waller Sharp and R. L. Thompson, first and second vice-presidents; L. S. Rogers, treasurer; E. R. Withers, secretary; W. A. Peed, assistant secretary; John B. Wilson, Clifton Hazelrigg, George Wilson, John J. Smoot, J. Vanarsdale, R. S. Ratliff, Thomas G. Judy, Wm. S. Mathers, J. R. Bascom, J. G. Allen, Wm. Wilson, F. S. Allen, James Emmons, directors, be, and the same is hereby, created a body-corporate and politic forever, with perpetual succession, under the name and style of the Bath County Stock and Trotting Association; with power to sue and be sued in all courts in the Commonwealth, plead and be impleaded, and capable of acquiring, by purchase or otherwise, personal and real estate; to hold, use and enjoy the same, together with any and all such property it may now own or possess; to improve, sell and convey the same, or any part thereof, at pleasure; to have and use a common seal, and to alter and change the same at pleasure.

Capital stock.

§ 2. The capital stock of said association shall be ten thousand dollars, and shall be divided into shares of one hundred dollars, or of such value as said association may determine upon; and the said association shall have the right to increase its capital stock to twenty thousand dollars.

Officers, and
how and when
elected.

§ 3. The officers of said association shall consist of a president, two vice-presidents, treasurer, secretary, assistant secretary, and ten directors, to be chosen by the stockholders of said association at an annual meeting of said association, to be held during the

month of January of each year. Said stockholders shall vote by shares in person or by written proxy. Said officers so elected shall hold their offices for one year, and until their successors shall have been duly elected and qualified; and no person shall be eligible to any of said offices who is not a stockholder in said association.

§ 4. The fiscal, prudential and other affairs of said association shall be under the control and management of the president and board of directors; and said president and board of directors may hold, annually, at their grounds, near Sharpsburg, in Bath county, or oftener if they desire so to do, and at such times as they may deem best, fairs for the exhibition of stock, agricultural and mechanical implements and products, and such other articles as the board of directors may permit to be exhibited; and for the trials of speed of horses for trotting, running or pacing, awarding such premiums as they may deem proper; and may rent out their grounds for any purpose they deem best: *Provided*, The same is not inconsistent with the Constitution and laws of this State. Board of directors.

§ 5. The board of directors shall have the power to make such rules and regulations and by-laws as they may deem necessary for the interest and benefit of the fair company, not inconsistent with the Constitution and laws of this State, with power to change or alter them, and with full power to enforce the same. They may fix the rates of entries for all exhibitors, and for running, trotting or pacing in trials of speed, and regulate and charge fees for spectators, and have full power and authority to collect the same. They shall have power to appoint as many policemen or watchmen as they may deem necessary, who shall have the power to arrest all disorderly persons, to preserve good order and keep the peace, and for this purpose said policemen or watchmen shall be clothed with the same powers that constables and sheriffs of Rules and regulations.

this Commonwealth may have. All persons so arrested by them shall be forthwith brought before some magistrate or police judge, to be dealt with according to law.

Pools. § 6. The association shall have the power to sell pools on their fair grounds during the days on which there are trots, and at no other place or time.

Vacancies. § 7. The board of directors shall have the power to fill any vacancy that may occur in the board of directors, or in the office of secretary and treasury; and they shall have power to license peddlers and performances upon their grounds, and the sale of any article thereon.

Certificate of stock. § 8. The board of directors shall provide for the issuing of stock certificates to the stockholders in said company, and said stock shall be held as personal estate, and shall be transferable only on the surrender of the certificate thereof; but provision shall be made for such transfer in case of loss of a certificate, upon proper notice being given to the public and due indemnity to the company.

Exemption of private property. § 9 The stockholders in said association shall not be liable personally for any debt or liability of the company.

Called meetings. § 10. Call meetings may be held at any time by order of the president, notice of which shall be duly given.

§ 11. The association may at any time, a majority of the board consenting, sell and dispose of their franchise and powers under this act.

Real estate. § 12. Said association shall not own at any one time more than fifty acres of land.

Conveyance of land, how made. § 13. All conveyances of land by the association shall be acknowledged by the president, treasurer and secretary.

Present officers. § 14. The present officers of said association shall manage and control the affairs of said association

until the next annual election of officers, and until their successors shall have been elected and qualified.

§ 15. This act shall take effect and be in force from and after its passage.

Approved March 18, 1888.

CHAPTER 489.

AN ACT to amend an act, entitled "An act for the benefit of the East Union and Sharpsburg Turnpike Road Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section first of said act be amended by striking out the words "all the" in the third line, and by inserting in lieu thereof the words "each one hundred dollars' worth of," and by striking out the word "of" in the fourth line, between the words "property" and "the," and by inserting in lieu thereof the word "in."

§ 2. This act shall take effect from and after its passage.

Approved March 18, 1888.

CHAPTER 491.

AN ACT for the benefit of the Christian County Driving Park.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Christian County Driving Park, a corporation created and existing under and by virtue of chapter 56 of the General Statutes of Kentucky, be, and it is hereby, authorized and empowered to sell, or to permit to be sold on its grounds, combination, French and other pools, on all trotting, running or other races that may take place on said grounds under its supervision; and it may also sell said pools,

at some place to be designated by its board of directors, in the city of Hopkinsville, during the continuance of said races: *Provided*, Nothing herein shall be construed as authorizing the selling of such pools on any races to be run or trotted elsewhere than upon its own race-course.

§ 2. That it is hereby made the duty of the county judge of Christian county, upon the written application of the board of directors of said Christian County Driving Park, to appoint a reasonable number of sober and discreet men to act as policemen during the continuance of the races on said race-course; and it shall be the duty of said policemen to preserve order and to arrest all persons violating law or disturbing the peace on the grounds of said driving park. But said policemen, before acting under such appointment, shall take an oath before said judge to faithfully and impartially perform their duty as such; and the said county judge aforesaid shall cause an order to be spread upon the records of said county court, showing the names of such policemen, and that they have taken the oath as required.

§ 3. That the compensation of the policemen provided for in the foregoing section shall be paid by the said Christian County Driving Park.

§ 4. This act to take effect from and after its passage.

Approved March 18, 1888.

CHAPTER 493.

AN ACT to amend an act, entitled "An act to authorize the court of claims of Grant county to levy a tax for bridge purposes," and to authorize said court to issue bonds to raise funds to pay for any and all bridges that may be built in Grant county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Grant county court, composed of the presiding judge and a majority of the justices of the

peace thereof, is hereby authorized, by proper orders of said court, to cause to be issued from time to time, as they may think necessary, bonds of said county in any amount they may deem expedient in order to raise a fund with which to pay off any indebtedness they may have, or may hereafter make, in constructing any bridge or bridges in Grant county. Said bonds shall be issued in amounts of not less than one hundred dollars each, and shall run for such length of time as the court may direct, not exceeding twenty-five years from the date of the issual of such bond or bonds, and shall be payable within the period for which such bond or bonds may be issued, at the pleasure of the said county court. They shall bear interest not exceeding six per cent. per annum, and the interest thereon shall be payable semi-annually; and said bonds and interest shall be payable at the treasurer's office in Williamstown, in said county. Said bonds shall be issued, each with interest coupons attached to the end thereof, in number equal to double the number of years said bond or bonds run, and each for the amount of six months' interest on said bond; and said coupons shall be numbered one, two, three, etc., representing each six months' interest on said bond. That said coupons shall in substance conform to the following form: Williamstown, Kentucky, — day of —, 18—, interest on Grant county bond number —, for the year ending the — day of —, 18—, \$—. That each of said coupons shall be signed by the presiding judge of said county and attested by the clerk of the county court. That each of said bonds shall be signed by the presiding judge of the county court, and attested by the clerk thereof, with the seal of said court affixed.

§ 2. That as soon as the said court, composed of the presiding judge and a majority of the justices of the peace of said county, shall, from time to time, as they may deem expedient, pass an order directing the issuing of the bonds herein authorized, it shall be the

duty of the county judge and county clerk of said county to cause said bonds to be printed and duly executed, and to sell the same at any rate not less than their face, exclusive of coupons; and when said bonds, or any part thereof, are sold by them, the proceeds thereof shall be by them immediately paid into the treasury of said county, and it shall be their duty to report to said county court, from time to time, as they may sell and dispose of said bonds, giving the number and amount of bonds sold, and the name of the purchaser thereof, together with the receipt of the treasurer of said county for the proceeds thereof, which said report shall be recorded in the clerk's office of said county.

§ 3. That when said bonds, or any part thereof, shall be sold, and the proceeds shall be paid into the treasury of said county, and the treasurer's receipt for same shall be recorded in said court, it shall be the duty of the county court, by order entered upon the records of said court, to direct the treasurer out of said fund to pay off and discharge any indebtedness that Grant county may owe for the construction of any bridge or bridges built by said county, then past due, and take a receipt therefor, and report his disbursements of said fund to said court twice a year, and oftener if the court require; which report, when examined and approved by the court, shall be spread upon the order book of the Grant county court.

§ 4. That it shall be the duty of the clerk of said court, upon the issuing of said bonds, and before the sale and delivery thereof, to register said bonds and coupons thereto attached, and the coupons and bonds when directed to be paid by an order of the court, certified by the clerk thereof to the treasurer of said county, shall be authority to him to pay any such bond or coupon ordered to be paid by said court; and it shall be the duty of the treasurer, upon the presentation of such certified order, accompanied by any bonds or coupons so ordered to be paid as aforesaid,

to pay off and take up the same; and it shall be his duty, in a separate report from his regular report, to report and deliver to said court, when composed of the presiding judge and a majority of the justices of the peace of said county, all bonds and coupons paid by him; and it shall be the duty of said court, after it shall receive and approve said report, to cause the same to be recorded by said clerk; and the said court shall cause all such bonds and coupons so paid off and reported to them to be burned in the presence of said court, when composed of a majority of the justices of the peace of said county; and they shall cause the numbers and amounts of said bonds and coupons, so burned as aforesaid, to be entered of record in the order-book of said court.

§ 5. That the county judge, county clerk and county treasurer shall each execute bonds for the faithful performance of their respective duties imposed upon them by this act, which bonds shall be taken and approved by the court of claims, composed as aforesaid, and said bonds shall be executed and approved before any or either of said officers shall sell or attempt to sell any of the bonds authorized by this act; and any officer who shall sell or dispose of any of said bonds before having executed the bonds required of him or them, they shall be deemed guilty of felony, and, upon conviction thereof, shall be confined in the penitentiary from two to five years.

§ 6. That if any or either of said officers, after they have sold and disposed of said bonds, shall willfully misapply or misappropriate, conceal, use or loan, or in any way wrongfully or fraudulently dispose of the proceeds of said bonds, or shall conceal or fraudulently dispose of any of the bonds, or any part thereof, for the use of themselves or another person, such officer so offending shall be deemed guilty of a felony, and, upon conviction, shall be confined in the penitentiary from two to five years.

§ 7. That the sales of all bonds under this act shall be reported by the officers intrusted with the sales thereof to the Grant county court, which, when approved by the court, shall be by the county clerk recorded in a well-bound book kept for that purpose, with the name of the purchaser or purchasers of said bonds, together with the number and amount thereof, and when due, and the residence of the purchaser; and that all bonds issued under this act shall be made payable to bearer, and the title thereto shall be passed by sale and delivery without written indorsement or assignment.

§ 8. That the tax authorized to be levied and collected by the act to which this is an amendment is hereby reduced to not exceeding ten cents per annum on each hundred dollars' worth of the property in Grant county subject to taxation for State revenue purposes; and the said court is hereby empowered to levy said tax annually, and no poll-tax shall be levied, and the said tax is hereby set apart to pay the expenses of collecting, managing and disbursing the same, and for the purposes of creating a sinking fund to pay off the bonded indebtedness, principal and interest hereby authorized to be created, and for no other purpose; and when said levy is made, from time to time, by the said court, it shall be the duty of the clerk of the county court to prepare a separate column in the tax-book, in which he shall show the amount of the said bridge tax separate from any other tax; but if he fails to do so, a copy of the tax-book, with the order of the county court levying said tax, shall be the sheriff's warrant for collecting the said tax, and the collecting officer shall pay said tax, less his commissions, when collected to the county treasurer of Grant county as hereinafter directed, and shall designate the same as Grant county bridge tax; and the treasurer shall hold said bridge tax secure for the payment of the principal and interest of the bonded indebtedness authorized to be created by this act.

The county court shall not appropriate any part of said fund for any other purposes.

§ 9. That the grant county court, composed as aforesaid, may construct and erect a bridge or bridges across any stream in Grant county, at any point they may deem expedient, and shall pay for any such bridge or bridges out of the proceeds of the bonds authorized to be sold under this act

§ 10. That it shall be the duty of the sheriff or collector, on the first day of September in each year after he receives the tax-book, to report, under oath, to the county treasurer, the amount of the bridge tax he has collected, and pay the same over immediately; and he shall, every sixty days thereafter, report what amount he has collected, and pay that over immediately; and he shall settle in full for said tax by first day of March in each year and pay the same at once; and upon his failure to do so, the treasurer shall at once demand the payment of any balance that may be owing; and upon any failure of the sheriff or collecting officer to pay the same at once, and without any order of court so to do, the county treasurer shall at once bring suit upon the sheriff's county levy bond for said tax, or so much thereof as may be owing, in the name of the Commonwealth or in the name of the Grant county court, and the county attorney shall bring the said suit against said officer and his sureties; if suit is brought, the plaintiff shall be entitled to recover fifteen per cent. damages on amount for which said officer shall be in arrears on account said tax.

§ 11. That it shall be the duty of the county court to redeem said bonds in the order in which they are issued, commencing at number one, and continuing numerically and regularly until the last number has been redeemed.

§ 12. That when the county court has money enough in the treasury to pay off any or all of said bonds and coupons, and directs the payments thereof, it shall

cause the treasurer of said county to notify the holders of said bonds, by publication in any paper published in Grant county, by at least four weekly insertions in such papers, and if no such paper be published, by written notices, directed to the holder at his post-office, to present such bond or bonds for payment, giving the number, the amount and the time said bond runs, which is desired to be redeemed, which shall designate a day on which said bonds are to be presented for payment; and should the holder or holders thereof fail to present said bonds for payment at the time specified in said notice, interest upon said bonds, or such of them as shall not be presented, shall cease to be paid by said county on said bonds from the day so fixed for payment as aforesaid.

§ 13. That the sheriff and his securities on his county levy bond, for each year, shall be liable for the collection and payment by the sheriff to the county treasurer of all taxes levied and to be levied and collected under this act; and in addition to the remedy hereinbefore given, the county treasurer may proceed, by motion in the county court, against the sheriff and his securities for any failure to discharge his duties under this act, and fifteen per cent. damages for any amount he may be found in arrears and has failed to pay after demand has been made by the treasurer.

§ 14. That all property in Grant county, which is by law subject to seizure and sale for the State revenue, shall be liable to seizure and sale for all taxes levied under this act.

§ 15. That the county clerk shall be entitled, for the services he is required to perform under this act, to receive the same fees which are allowed by law for similar services, to be paid out of the said Grant county bridge tax.

§ 16. That it shall be the duty of the county judge, on the first Monday in October in each year, to audit

and settle the accounts of the county treasurer on account of said tax, and report the same to the succeeding court of claims for confirmation or correction; and when the same is approved, it shall be recorded by the clerk in the order-book of the Grant County court.

§ 17. That the county treasurer, for receiving, preserving, and disbursing said fund, be entitled to two per cent. commission thereof.

§ 18. That the sheriff shall be allowed, for collecting and paying into the county treasurer, five per cent. on the fund collected by him.

§ 19. That this act shall take effect from and after its passage, and shall repeal all laws or parts of laws in conflict herewith.

Approved March 10, 1888.

CHAPTER 494.

AN ACT for the benefit of James P. Harris, Jr., late sheriff of Floyd county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That James P. Harris, Jr., late sheriff of Floyd county, be, and he is hereby, given the further time of two years, from and after the passage of this act, in which to collect any and all taxes and fee-bills due him as sheriff of said county for the year 1878.

§ 2. This act shall take effect from its passage.

Approved March 10, 1888.

CHAPTER 495.

AN ACT to repeal, in part, an act to authorize the counties of Barren, Metcalfe and Monroe to raise money to aid in the construction of a railroad.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That so much of the above named act as applies to the counties of Metcalfe and Monroe, and so much thereof as in anywise authorizes the raising of money for any railroad by any tax on the people of Metcalfe and Monroe counties, be, and the same is hereby, repealed.

§ 2. This act to take effect from its passage.

Approved March 10, 1888.

CHAPTER 496.

AN ACT for the benefit of J. B. Denham, late sheriff of Metcalfe county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That J. B. Denham, late sheriff of Metcalfe county, be, and he is, allowed the further time of one year from the passage of this act to distrain for and collect his uncollected or delinquent county levy and revenue taxes and his uncollected fee-bills.

§ 2. That nothing in this act shall be construed to exempt said late sheriff from the penalties prescribed by law against such officers for distraining for or collecting illegal fee-bills.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 10, 1888.

CHAPTER 497.

AN ACT to authorize and empower the trustees of the M. E. Church, in Mt. Olivet, Robertson county, to sell and convey the property of said church.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the trustees of the M. E. Church in Mt. Olivet, Robertson county, Kentucky, viz: N. A. Tilton, Wm. H. Hill, and R. Ellis, or their successors in office, or a majority of said board of trustees, be, and are hereby, authorized and empowered to sell and convey the property of the M. E. Church, situated on Walnut street, in Mt. Olivet, Robertson county, Kentucky.

§ 2. This act shall take effect and be in force from its passage.

Approved March 10, 1888.

CHAPTER 498.

AN ACT to incorporate the Jellico Bank.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That W. E. Thornton and E. C. Thornton, and their successors in perpetuity, are hereby created a body-corporate, under the name of the Jellico Bank, and shall have power by that name to contract and be contracted with, to sue and be sued, to answer and defend as a natural person ; and may have and use a common seal, and alter and change the same at pleasure.

§ 2. The property, business and affairs of said bank shall be under the management and control of a board of five directors, who shall elect from their number a president and vice-president and cashier. After the

first election, the said board shall be elected annually by the stockholders, and serve until their successors are elected and qualified. Said elections shall be held on the second Monday in January in each year. The board may fill all vacancies that occur among its members, and may adopt such by-laws, rules and regulations, as are necessary for the transaction of the business herein authorized, not inconsistent with existing laws. They may appoint such officers and agents as required, and take bonds for the faithful performance of their duties.

§ 3. The capital stock of said bank shall be one hundred thousand dollars, and shall be divided into shares of fifty dollars each; and whenever one hundred shares have been subscribed and paid, the officers may be elected, and said bank may proceed to transact a general banking business; it may receive deposits of gold, silver, bank notes, or other notes that may be lawfully circulated as money, and repay the same at such times and in such manner and with such interest, not exceeding six per cent. per annum, as may be agreed upon with the depositor; it may loan money, discount promissory notes and bills of exchange, and buy and sell stocks, bonds and other securities; and promissory notes and inland bills made negotiable and payable at said bank, or any other bank or banking house organized under the laws of this State or the United States, discounted by it, shall thereby be placed on the footing of foreign bills of exchange.

§ 4. Said bank may acquire, possess, hold and use all such real and personal property, goods, chattels or other things as may be necessary for the transaction of its business, or which may be pledged or conveyed to it as security for any debts; but its power to hold real estate taken or purchased in satisfaction of any debt due it, or conveyed to it as surety therefor, shall be limited to five years from the date of the deed.

§ 5. Each stockholder shall be entitled to one vote for each share held by him. The certificates of stock

shall be signed by the president and countersigned by the secretary, and shall be assignable, but the corporation is not bound to take notice of such assignments until noted upon the books of the company. The stock shall be personal property.

§ 6. The business herein authorized may be transacted in Whitley county of this State.

§ 7. This act shall take effect from and after its passage, and continue in force for thirty years.

Approved March 10, 1888.

CHAPTER 499.

AN ACT to amend the charter of the town of Cave City, in Barren county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That an act, entitled "An act to fix the corporate boundary of Cave City, in Barren county," approved March the 4th, 1869, be, and the same is hereby, amended as follows:

§ 1. The board of trustees of the town of Cave City, in Barren county, shall have power, within the limits of said town, in addition to the other powers granted to and vested in them by said act:

1. To prevent, abate and remove nuisances at the expense of the owners or occupiers, or the parties upon whose grounds they exist, and to define and declare by ordinance what shall be a nuisance within the limits of said town; and they may by ordinance fix the penalty for keeping, causing or committing a nuisance, which shall be by a fine in the Cave City police court not exceeding twenty-five dollars for each day the same is continued after notice.

2. To appoint, support and regulate policemen, night watches and patrols, and to prescribe their duties and compensation.

3. To suppress gaming, drunkenness, gambling-houses, bawdy-houses or houses of prostitution, street walkers and disorderly houses of all kinds, and to provide for the arrest and punishment of the offenders, and may provide for the punishment of any person who shall rent property to prostitutes, or shall suffer their property to be used or occupied by lewd or disorderly persons, and may prescribe by ordinance such penalty therefor as they may deem proper, not exceeding a fine of fifty dollars for each offense.

4. To provide for the prevention and extinguishment of fires; to regulate and restrain the erection of wooden buildings, and to provide for the removal of the same when built contrary to the ordinances of said town.

5. To provide for the prevention and suppression of any riot, rout, breach of the peace, noise, disturbance, disorderly or unlawful assembly in the streets, houses or other places in the town, or any violation of any town ordinance, and for the arrest and confinement of the offenders in the work-house of said town or the jail of Barren county, and to provide for the trial of the parties committing, engaging in or taking part in or aiding or abetting the same. The board of trustees shall have power to prescribe the penalty for such offenses, or for any violation of any of the by-laws or ordinances of said town; and the said board of trustees of said town may, by their by-laws and ordinances, prescribe and provide in all prosecutions for offenses against such by-laws and ordinances, where the penalty, or any part thereof, is a fine, that unless the fine, fees and costs shall be immediately paid or replevied, the defendant shall be placed in the work-house of said town or the jail of Barren county, and there confined until the judgment for such fine, fees, and all costs of the prosecution shall be paid or replevied; but such imprisonment shall not exceed one day for each one dollar of the fine, fees and costs of the prosecution: *Provided*, That the penalty fixed

by said board of trustees for a violation of any of the by-laws or ordinances of said town shall not exceed a fine of one hundred dollars or imprisonment for fifty days, or both, and the fees and costs of the prosecution.

§ 2. All laws and acts in conflict with this act are hereby repealed.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 10, 1888.

CHAPTER 500.

AN ACT to amend an act incorporating the town of Lewisburg, county of Logan, State of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the corporate limits of the town of Lewisburg, Logan county, Kentucky, be, and are hereby, reduced so as to include the following boundary: Beginning at the present limits of the town on the northern boundary at Alum lick; thence west with the present limits to the north-west corner of Cornel Arnold's lot; thence in a straight line to a stone on the southern boundary near the south-west corner of the high school lot; thence with the present limits east to Alum lick; thence with the eastern boundary to the beginning.

§ 2. That all fines assessed in pursuance of the provisions of the charter, or any of its amendments, or under the by-laws of the town of Lewisburg, together with all fees and costs arising from the prosecution of the same, if not paid or replevied, may be discharged in the work-house or on the streets or alleys or any public works of the town at the rate of one dollar per day; and in case any fees or cost are thus discharged, the officers to whom such fees or costs are payable

shall be paid by the town after deducting fifty cents per day for the board of the prisoner while working out said fees or cost.

§ 3. That the justice of peace residing in or nearest the corporate limits of the town of Lewisburg be empowered and hereby authorized to serve as police judge, with all the jurisdiction of said judge of said town of Lewisburg.

§ 4. That the board of trustees be allowed to levy a tax, not exceeding forty cents per hundred dollars, to be used in improving streets and alleys and other public works of the town.

§ 5. That this act take effect from and after its passage.

Approved March 10, 1888.

CHAPTER 501.

AN ACT to incorporate the Bank of Harlan.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Capital stock.

Corporation.

§ 1. That there is hereby established a bank of discount and deposit in the town of Mount Pleasant, with a capital stock of fifty thousand dollars, in shares of one hundred dollars each, to be subscribed and paid for as the board of directors of said bank may prescribe; and the subscribers, their associates, successors, and assigns, shall be a body-politic and corporate, by the name and style of the Bank of Harlan, and shall continue for twenty-five years from and after the passage of this act; and shall be capable of contracting and being contracted with, of suing and being sued, of impleading and being impleaded, of answering and being answered, of defending and being defended, in all courts and places whatever; they may have a common seal, and alter and change the same at pleasure; they shall have

power to receive gold and silver and bank notes and other circulation or currency or deposits, and pay out and loan same; to buy and sell drafts, notes, bills of exchange, bonds, and stocks; and all bills, drafts, or notes made negotiable and payable at said bank, or any other bank or banking house, and discounted or purchased by said bank, shall be, and they are hereby, put upon the footing of foreign bills of exchange, and like remedy may be had thereon, jointly and severally, against the drawers and indorsers and with like effect; and they may allow interest on deposits not exceeding six per cent. per annum.

Notes made as
foreign bills of
exchange.

§ 2. The said corporation may acquire, hold, and possess, use, occupy and enjoy all such real estate, goods and chattels, as shall be necessary for the transaction of its business, or which may be conveyed to it as surety for any debt, or purchased in satisfaction of any debt, judgment or decree, and sell and convey the same: *Provided*, They shall not hold any real estate purchased in satisfaction of any debt, judgment or decree, or conveyed to it as surety therefor, for a longer period than five years; and they may make such by-laws for their government as they may deem necessary: *Provided*, The same are not contrary to the Constitution and laws of this State or of the United States.

Real estate.

§ 3. Said bank may appoint such officers as may be necessary for the conducting of its business, who shall be under the direction and control of not less than five and not more than seven directors, each of whom shall be stockholders, and after the first election shall have been stockholders for at least three months previous to their election; and they shall be residents of this State, and after the first election shall be elected annually on the first Monday in May in each year. They shall elect one of their number president, and shall hold regular meetings at such times as may be fixed by the by-laws, and may have other meetings when deemed necessary; and in case of death or resig-

Officers.

President.

Salaries. nation of a director, the vacancy shall be filled by the board of directors. The directors shall have power to declare dividends of the profits arising out of said business, and to fix, allow and pay the officers, agents and servants such sums, wages and salaries as they may think proper and reasonable.

Stock as personal property. § 4. The stock shall be deemed personal property, and shall be transferable and assignable according to the by-laws or rules of said bank at the time; and the said corporation shall have a lien on the stock to secure any indebtedness by the stockholders for any unpaid balance due on said stock.

Incorporators. § 5. Green Elliott, James H. Tinsley, S. B. Dishman, W. R. Ray, Clifton Rodes Barrett, C. F. Davidson, E. Wynn, A. B. Cornett, W. C. L. Huff, T. S. Ward, J. K. Bailey, A. W. Cauk, are hereby appointed commissioners, any three of whom may act, to open books and receive subscription for the capital stock; and when one hundred shares have been subscribed, it shall be their duty to give notice of not less than ten days, and appoint a day for the election of a board of directors, who shall hold their office for one year, and until their successors are elected and qualified. The manner of payment of stock shall be provided for as the board of directors may deem best.

Election. But said corporation shall not begin business until

Begin business. the sum of ten thousand dollars shall have been paid up, and the president and directors shall have made oath before a competent officer that they will truly and honestly, to the best of their judgment and ability, conduct the affairs of said bank. The board of directors shall have power, by their by-laws, to provide for the enforcement of payment of forfeiture of stock subscribed and not paid for, or for any part thereof.

Bonds. § 6. Said bank shall, through its board of directors, have the power to require bond from all or any of its officers and employes.

§ 7. The Legislature reserves the right to alter, amend or repeal this act at pleasure, as well as at all times to examine into the affairs of said corporation by any committee, officer or agent they may appoint. ^{Legislative rights.}

§ 8. This act shall take effect from and after its passage.

Approved March 10, 1888.

CHAPTER 502.

AN ACT to authorize a special term of the court of claims in and for Marshall county for the year 1888, and to empower said court to levy an ad valorem tax to build, re-build or repair the court-house or clerk's offices in said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That a special term of the Marshall county court of claims may be held at any time during the year 1888, upon a call of the justices of the peace for said county by the county judge of said county.

§ 2. That said court of claims, when assembled under said call, a majority of the justices of said county being present, shall have power to re-build, repair or enlarge the court-house or clerks' offices, or both, or to build a new court-house or clerks' offices, or both, in said county.

§ 3. For the purpose of erecting new buildings, or enlarging or repairing the old ones, as set forth in section 2 of this act, said court of claims shall have, at said special term of said court, power to levy an ad valorem tax on all the taxable property of Marshall county. real, personal and mixed, of not exceeding twenty-five cents on each one hundred dollars' worth of said property subject to taxation in said county ; and said taxes, when collected, shall be applied only to the purposes aforesaid.

§ 4. Said court of claims is hereby authorized and

empowered to make such disposition of the old court-house or clerks' offices as may be deemed best by said court.

§ 5. The taxes raised by the levy hereby provided for shall be collected by the sheriff or collector of the county levy and public dues of said county, and he shall be governed in making said collections by the general laws governing and regulating the collection of the county levy and public dues of said county, and shall have the same powers as given by the general law.

§ 6. The sheriff of said county shall, before he proceeds to collect the taxes provided for by this act, execute bond with good security, to be approved by said court of claims, in the same manner and form as now required by law.

§ 7. The tax and levy herein provided for may be levied for the years 1888-1889, but no longer.

§ 8. This act shall take effect and be in force from and after its passage.

Approved March 18, 1888.

CHAPTER 503.

AN ACT to incorporate the Butler Cemetery Company, in Pendleton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That C. F. Peoples, H. H. Hall, C. C. Hagemeyer, W. A. Bradford and Jackson Ducker, and their successors in office, be, and they are hereby, created a body-corporate, under the name and style of "The Butler Cemetery Company ;" and by that name said company shall have perpetual succession, and shall be able in law to have and use a common seal, to sue and be sued, to plead and be impleaded, defend and be defended, in all courts in this Commonwealth.

Incorporators.

Style.

§ 2. They shall have power to purchase other lands ^{Powers.} than that now owned by them, and said land now owned by them, and which may be conveyed to said company, shall be held solely and exclusively for a cemetery, and shall never be sold or used for any other purpose whatsoever.

§ 3. The grounds and fixtures and every thing grow- ^{Not subject to} ing thereon shall not be subject to sale by virtue of ^{sale.} mortgage, judgment, execution or decree of any cause whatever.

§ 4. That said company may take or receive, by gift ^{Receive dona-} or otherwise, any land or other property to be held by ^{tions.} them for the purpose of ornamenting, improving or extending the grounds of the company, subject to the restrictions aforesaid.

§ 5. The business of this corporation shall be man- ^{Management.} aged by a board of five (5) directors, all of whom must be stockholders in said company. The persons here- inbefore named as corporators shall constitute the first board of directors, and shall continue in office until the first Saturday in January, 1889, and until their successors are elected, and at which time, and every two (2) years thereafter, the members of this corporation may elect a board of directors, who shall continue in office until their successors are elected. They shall choose a president out of their number, and appoint a secretary and treasurer, who shall give such bond as they may require; said directors may fill all vacancies which may occur in their body.

§ 6. They shall cause to be prepared and kept an ^{Keep surveys,} accurate map and survey of the grounds and lots in ^{etc.} said cemetery.

§ 7. They shall have power to make by-laws for the ^{By-laws.} regulation and control of lots, and for the control and management of the grounds and graves and the mode of ornamenting of the same.

§ 8. They shall have power to enter upon any of the ^{Ornaments.} lots and remove any ornaments, fixtures or shrubbery

that may be planted on said lots against the regulations or by-laws of said company.

Sell lots. § 9. That said board of directors shall have power to sell burial lots, at either public or private sale, and when sold, it shall be the duty of the president of the board of directors to execute to the purchaser, giving the number of lot or lots, a certificate thereof, which shall vest the purchaser with title to said lot or lots; said certificate to be attested by the secretary.

Non-payment. § 10. Any purchaser failing to pay the contract price for a lot or lots bargained for within the space of four (4) months from the date of such contract, shall forfeit all claim to the same, and the lot or lots, with all improvements thereon, shall revert to the corporation and be held as if never sold. If any interments have been made in such lot or lots, the board of directors shall have power to remove or cause the **Remove bodies.** bodies to be removed to any public ground kept for burial purpose, or to a place set apart for that purpose in said cemetery: *Provided*, That the said board of directors shall give a written notice to the person or persons in whose name such lot or lots are purchased of at least thirty (30) days before such action; and if such person or persons can not be found, then said notice is to be posted in said lot or lots for sixty (60) days.

Superintendent. § 11. That the board of directors shall have power to appoint, from time to time, such superintendent or other officers as they may think necessary, and take from them such bond as may be required. The proceeds of the sale of all lots, and all money that may come to the corporation from any other source, shall be applied, first, to reimburse those who made advancements for the original outlay and purchase of the grounds, and shall forever afterwards be applied to ornament and improve the grounds, and defray incidental expenses and purchase of additional ground.

§ 12. The title of any lot may be transferred according to such rules as may be prescribed by the by-laws of the corporation, but in no other way; if not transferred by the grantee, it shall descend or pass by devise as other real estate; none of the lots in said cemetery shall ever be used for any other purpose than burial lots; and if applied to any other use, the title shall revert to the corporation.

§ 13. That if any person or persons shall forcibly and without lawful authority, violate any of the graves of the dead, or any vault which may be erected on the grounds of the company, or willfully injure any of the ornaments, shrubbery, fencing, fixtures or buildings, or in any way damage the grounds or other property of the company, such person or persons so offending, and those who may aid or abet therein, shall be punished by fine, not less than ten (10) dollars, nor to exceed one hundred (100) dollars, or imprisonment in the county jail not to exceed six (6) months, or both, which may be by warrant before any court having jurisdiction, and shall also be liable to the company in action for damages in any court having jurisdiction thereof; which damage when recovered, and fines, shall be the property of the company, and shall be applied by the company to the repairing the injury committed, and the residue, if any, to be used in repairing and improving the grounds and fixtures.

§ 14. This act shall take effect from its passage.

Approved March 18, 1888.

CHAPTER 504.

AN ACT to incorporate the bank of Murray, Calloway county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established a saving and deposit bank in the town of Murray, Calloway county,

Capital stock Kentucky, with a capital of fifty thousand dollars, with the privilege to the stockholders of increasing the same not to exceed one hundred thousand dollars, in shares of one hundred dollars each, to be subscribed and paid for as hereinafter provided for; and the subscribers, their associates, successors, and assigns, shall be a body politic and corporate, by the

Name and style. name and style of the "Bank of Murray," and shall

Corporate powers. so continue for thirty years from its organization; and shall have all the rights and privileges of a natural person in contracting and being contracted with, in suing and being sued, of impleading and being impleaded, of answering and defending, in all courts and places whatever; said bank may have and use a common seal, and change the same at pleasure.

§ 2. Said bank shall be under the control and management of five directors, each of whom shall be a stockholder in his own right; and after the first election, shall be elected annually on the first Monday in January in each year, and hold office until their successors are elected and qualified; they shall elect one of their number president, and appoint such officers, agents, and servants as they may deem necessary to conduct the business of the bank, and pay them such sums as wages and salaries, and take from them such bond to secure the faithful performance of their duties, as they shall think proper and reasonable; and they shall hold regular meetings at such time as may be fixed by the by-laws; and other meetings may be had whenever deemed necessary; and in case of death or resignation of any director, or a vacancy declared for cause, such vacancy shall be filled by the board of directors. The directors shall have power to receive subscription for so many of the shares of stock of said company remaining unsold as the stockholders may at any time direct to sell; to declare dividends of the profits arising out of the business. The stock shall be deemed personal property, and shall be transferable only on the books of the bank by the stock-

Directors to control affairs, and their term of office.

holder, his agent or attorney, under such rules and regulations as the directors, from time to time, shall establish; but the corporation shall have a lien on the stock to secure any indebtedness to the bank for the unpaid portion of stock.

§ 3. That A. J. Barnett, G. W. Craig, J. W. Farmer, Corporators' names and duties. A. B. Beale and C. W. Jetton, any three of whom may act, are hereby appointed commissioners to open books in the town of Murray and receive subscriptions to the capital stock of said bank; and when shares to the amount of twenty-five thousand dollars shall have been subscribed, it shall be their duty to give notice to the subscribing stockholders, and appoint a day for the election of a board of directors, who shall hold their office until the ensuing annual election and their successors duly elected and qualified. The payment of shares subscribed shall be as follows, viz: One-fourth of each share at the time of sub- Payment of stock subscribed. scribing, and one-fourth within thirty days after the election of the first board of directors, and the remainder in such amounts and at such times as may be required under a by-law adopted by the stockholders: *Provided*, That no one call shall be for a larger amount than one-fourth of the amount subscribed, and at a shorter notice than thirty days; and furthermore, nothing contained herein shall be construed so as to prevent any stockholder from making payments on his stock in advance of the calls made. Said bank may commence business so soon May commence business. as one-fourth of the amount subscribed shall have been paid in as capital, upon the president and directors making affidavit before some officer authorized to administer oaths that such sum has been actually paid in.

§ 4. Said bank may receive deposits of gold and Business of corporation. silver, bank notes and other notes which may be lawfully circulating as money, and repay the same in such manner and at such times as may be agreed upon with the depositors by special or general con-

contract; may deal in the loaning of money and discounting bills; may buy and sell bills of exchange, promissory notes, uncurrent money, stocks, bonds, mortgages and other evidences of debt, take personal and other securities for the payment of the same, and upon the non-payment of the debt on demand after maturity, may sell said securities in accordance with the provisions of an act, entitled "An act for the benefit of the incorporated banks of Kentucky," approved March 16, 1871. All promissory notes made negotiable and payable at said bank, or other banks, and inland bills of exchange taken or discounted by said bank, shall be, and are hereby, put on the same footing of foreign bills of exchange, and like remedy ~~may be had thereon, jointly and severally,~~ against the makers, drawers, indorsers or parties thereto; may receive deposits from married women and minors, and their receipts and acquittances of such married women and minors shall be valid.

May acquire and hold real estate.

§ 5. That said bank may acquire, hold, possess, use, enjoy and occupy all such real estate, goods and chattels, as may be necessary for the transaction of its business, or which may be conveyed to it as surety for any debt, or purchased in satisfaction of any debt, judgment or decree; and may buy its own stock in payment of a debt, judgment or decree, and sell and convey the same; but it shall not hold any real estate purchased by it in satisfaction for any debt, judgment or decree for a longer period than five years. A conveyance duly executed by the president and board of directors shall pass the title of said corporation to any real estate it may want to dispose of.

Stockholders made individually liable to amount of stock subscribed and not paid in.

§ 6. Every stockholder shall be individually liable to the creditors of said bank to the full amount of stock subscribed by him and remaining unpaid; but when the same shall have been paid for in full by him, there shall be no further individual liability to the stockholder.

§ 7. That when stockholders fail to make payments ^{May forfeit de-} for stock subscribed, or fail to pay the calls at the ^{linquent stock.} time and in the manner prescribed, the board may, after the expiration of thirty days, upon giving due notice to said delinquent stockholder, proceed to sell the shares of stock of said delinquents; and all payments which may have been made thereon shall be forfeited to the use and benefit of said bank.

§ 8. That at all meetings of the stockholders and at ^{Stockholders' vote.} all elections under this charter, each shareholder shall be entitled to one vote for every share held in his own right. Any stockholder entitled to vote may do so in person or by written proxy, such proxy being granted to a stockholder.

§ 9. It shall not be lawful for said bank to issue any ^{Shall not issue notes.} note or bill to circulate as money.

§ 10. The board of directors shall make all neces- ^{Directors to make by-laws.} sary rules, regulations and by-laws for the government and management of the business of said bank, not inconsistent with the Constitution and laws of this State or of the United States.

§ 11. This act to take effect and be in force from and after its passage, and may continue in force for thirty years.

Approved March 18, 1888.

CHAPTER 507.

AN ACT to amend an act, entitled "An act to authorize the county court of Clay county to issue bonds for the payment of the public buildings in said county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 5 of the act above mentioned be, and is hereby, amended by striking out the word "twenty" in the fifth line, after the word "exceeding," and before the word "cents," and insert in lieu thereof the word "forty."

§ 2. This act to take effect from and after its passage.

Approved March 18, 1888.

CHAPTER 509.

AN ACT to establish the Allen Male and Female College in Scottsville, Allen county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an institution of learning be, and the same is hereby, established in Scottsville, Allen county, Kentucky, by the name and style of "The Allen Male and Female College," which shall be under the control of R. L. Brown, S. H. Welch, J. R. Garrison, F. G. Harlan, W. H. H. Mitchell, J. F. Pitchford and Wm. H. Read, and their successors, as trustees of said institution. If at any time a vacancy shall occur by death, removal or resignation, the other trustees shall name a suitable person to fill the vacancy. They shall have the power to name one of their number president of their board, and to select such other officers as they may deem proper. They shall have power to employ such professors of learning as they may desire to teach in said college. They may hold annual commencements and public examinations of the pupils. They may prescribe the courses of instruction for said college. They may confer the degrees of Bachelor of Science and Maid of Science, Bachelor of Arts and Maid of Arts, and such honorary degrees and diplomas as is usual in colleges in this Commonwealth. But no honorary degree shall entitle the person receiving it to be exempt from the regular examination as a teacher.

§ 2. *Be it further enacted,* That said school shall receive such students of both sexes, and of such degree of advancement, as it may deem expedient and proper.

§ 3. That this act shall take effect from its passage.

Approved March 13, 1888.

CHAPTER 511.

AN ACT to amend an act, entitled "An act to amend an act, entitled 'An act to reduce into one, amend, and digest the acts and amendatory acts incorporating the city of Mt. Sterling.'"

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section 1 of the amendatory act, approved March 18, 1882, in the ninth line thereof, be, and the same is hereby, amended by striking out the word "election" and inserting the word "qualification" in lieu thereof, where it occurs in said ninth line of said section 1 of said act

§ 2. This act shall take effect from and after its passage.

Approved March 18, 1888.

CHAPTER 512.

AN ACT to incorporate the Bank of Shepherdsville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. There is hereby established a bank in the town ^{Capital stock.} of Shepherdsville, Bullitt county, Kentucky, with a capital of fifty thousand dollars, in shares of one hundred dollars each, to be subscribed and paid for as hereinafter specified; and the subscribers, their associates and assigns, shall be a body-politic and ^{Corporation.} corporate, by the name and style of Bank of Shepherdsville, and may so continue for thirty years from its organization; but the board of directors of said bank are authorized and empowered to wind up its affairs whenever the owners of two-thirds of the stock determine that the interest of the corporation requires its discontinuance; and for this purpose the board of directors shall have all power necessary to wind up

and liquidate the affairs of said bank upon equitable principles.

Privileges. § 2. Said corporation shall have all the privileges of a natural person in contracting and being contracted with, in suing and being sued, in all places and courts whatever; and may have and use a common seal, and change the same at pleasure.

No. of directors. § 3. Said bank shall be under the control of not less than five nor more than nine directors, each of whom shall be a stockholder, and a majority of whom shall at all times be residents of Bullitt county; and after the first election, they shall be chosen on the second Tuesday in January in each year; or, if not on that day, from any cause, then as soon thereafter as convenient, and shall hold their offices until their successors are elected and qualified. They shall appoint one of their number president, and may, if they think best and necessary, at the same time appoint one of their number vice-president, who shall hold their position at the pleasure of the board of directors. The board shall hold their regular meetings at such time as they may fix upon, and such called meetings as they may deem necessary. In case of the death, resignation or removal of any of the directors or officers, the vacancy shall be filled by the board of directors. The board shall have power to receive subscriptions for so many of the shares of the capital stock remaining unsold as they may at any time decide to sell; shall declare dividends; shall appoint such officers, agents or servants as they think necessary to conduct the business of the bank, and pay them such wages or salaries for their services, and take from them such bonds to secure the faithful performance of their duties, as they may think proper; shall prescribe such rules as they may think best for the transfer of the stock on the books of the bank by the stockholders or by any attorney. The stock shall be personal property.

President.

Meetings.

Vacancies.

Subscriptions.

Officers and agents.

Rules.

§ 4. T. D. Thompson, N. J. Weller, Wm. Dannson, Incorporators. Jr., W. B. Cundiff, J. F. Combs, A. F. Brooks, Charles Carroll, E. W. Hall and Tom Cochran are hereby appointed commissioners, any three of whom may act, and may open books of subscription to the capital stock of the corporation; and when shares to the amount of fifteen thousand dollars shall have been subscribed, it shall be the duty of said commissioners to give notice in one or more newspapers, and appoint a day for the election of a board of directors, who shall hold their offices until their successors are elected and qualified. The payment for the shares subscribed shall be made in such installments, or at such times as the board of directors may order, and when ten thousand dollars shall have been paid in, the bank may begin business.

§ 5. The bank may receive deposits of gold, silver, Business. bullion, currency, or any thing lawfully circulating as money, and repay the same in such manner, at such times and with such interest, not exceeding the rate fixed by law, as may be agreed upon with the depositors by special or general contract. It may borrow or loan money, buy or sell checks, drafts, bills of exchange, promissory notes, uncurrent money, bonds, stocks, mortgages and other evidences of debt, and do a general banking business; may take personal or other securities for the payment of obligations, and dispose of the latter in accordance with the provisions of an act, entitled "An act for the benefit of the incorporated banks of Kentucky," approved March 16th, 1871, and such disposition shall pass a valid title to the same; may receive deposits for minors or married women, and their checks, receipts or acquittances shall be valid. All promissory notes and bills made payable at the banking-house of said corporation, or at any other banking-house, may be discounted by it, and they are hereby placed upon the footing of foreign bills of exchange, and like remedy as upon such

bills may be had thereon, jointly and severally, against the drawers, acceptors and indorsers thereof.

Real estate. § 6. The bank may acquire, hold and use all such real estate, goods and chattels, as may be necessary for the transaction of its business, or which may be conveyed to it as surety, or in satisfaction of any debt, judgment or decree; and may sell and convey the same at pleasure: *Provided*, That no real estate conveyed to the bank in satisfaction of any debt, judgment or decree in its favor shall be held by it for a longer term than five years. The board of directors may make all needful by-laws for the government of said bank not inconsistent with law.

Private property. § 7. The private property of stockholders shall not be liable for the debts of the corporation, and the indebtedness of the bank, other than for general deposits, shall at no time exceed the amount of its paid-up capital.

Oath. § 8. Before entering upon their duties the president, directors and other officers of the bank shall take an oath before some justice of the peace, notary public or police judge, to faithfully and honestly discharge all the duties incumbent upon them under this charter, and that they will not sanction or permit any violation of it, and should any occur, will at once report the same to the Attorney-General of this Commonwealth.

§ 9. Nothing in this charter shall be construed to allow the bank to issue any note or bill to pay or circulate as money.

§ 10. The General Assembly shall have the right to examine the affairs of the bank by any officer, agent or committee appointed for that purpose, and reserves the right to alter, amend or repeal this charter at pleasure.

§ 11. This act shall take effect from and after its passage.

Approved March 18, 1888.

CHAPTER 513.

AN ACT to amend and to reduce into one the several acts incorporating the town of Falmouth, Pendleton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the boundary of said town shall be as follows: Beginning at a point on South Licking river, so that a line run from said point in a southerly direction will run parallel with Riggs street, and one hundred and forty feet west of said street; thence from said point, on South Licking river with said line, one hundred and forty feet west of Riggs street, and parallel thereto, to the old Woodson Ferry road; thence in a straight line to the intersection of the old Claysville and Livingood Station road; thence along the west side of the old Claysville dirt road to the Claysville pike; thence in a straight line to the intersection of Licking street and the Lick Branch dirt road; thence along said road to a point where a line, run north twenty-three, east eighty-seven, will strike the old town corner on Licking river, as named, in an act of the General Assembly of Kentucky, approved February 1, 1811; thence with said line so run to said old corner on Licking river; thence along Licking river to the mouth of South Licking river; thence up South Licking river to the place of beginning; and the inhabitants thereof a body-politic, with perpetual succession, with power to contract and be contracted with, to sue and be sued, plead and be impleaded, defend and be defended, in all courts and places, by the name of the town of Falmouth; and to have a corporate seal.

§ 2. That the municipal government of said town shall consist of the board of trustees, composed of six persons and a police judge, who shall be *ex officio* chairman of said board.

§ 3. That said board of trustees and their successors

Trustees a body-politic.

shall be a body-politic and corporate, and shall be known and called the board of trustees of Falmouth; and by that name shall be capable in law, and for and in behalf of said town, of contracting and being contracted with, suing and being sued, of pleading and being impleaded, defending and being defended, in all courts and places, and do all other acts, matters and things which a body-politic and corporate having perpetual succession may lawfully and rightfully do, within the limits of the powers herein granted.

Other officers.

§ 4. That the other officers of said town shall be as follows: A police judge, an attorney, a clerk, a treasurer, a marshal, an assessor, a collector and such other officers as the board of trustees may from time to time direct and appoint.

Elections.

§ 5. That an election shall be held in said town annually, on the first Saturday in February, at such place as the board of trustees may designate, and of which ten days' previous notice shall be given by notices posted in at least ten public places in said town by the town clerk.

§ 6. That at the first annual election there shall be elected, by the qualified voters of said town, three trustees and a police judge; and the person or persons receiving the highest number of legal votes in the whole town for either of said offices shall be declared elected.

§ 7. That the officers elected by the people under the provisions of this act shall respectively hold their offices for two years, and until their successors are elected and qualified. At the second annual election three trustees shall be elected to hold for two years, so that three members of said board will go out of office every year, and three will hold over every year. After the first annual election the police judge shall be elected every two years, and he shall hold his office for two years from the first annual election; all other officers mentioned in this act, and not otherwise specifically provided for, may be appointed by the

board of trustees at the first regular meeting thereof after the annual election, or as soon thereafter as may be, and respectively continue in office for one year and until the appointment and qualification of their successors; but watchmen, policemen, including the marshal and firemen, may be appointed to hold office during the pleasure of the board of trustees.

§ 8. No person shall be eligible to any office in said town who is not a citizen thereof, and a qualified voter under the laws of the State, and have resided in said town for six months previous to such election.

§ 9. That every person elected or appointed to office under the provisions of this act, before entering upon the duties thereof, shall take and subscribe, before some officer authorized to administer oaths, the oath of office prescribed by the Constitution of this Commonwealth, and file the same, duly certified by the officer before whom it was taken, with the clerk of the town.

§ 10. That whenever a vacancy shall happen by death, removal, resignation, or otherwise, in any office filled by election, such vacancy shall be filled by an election to be held within one month after the board of trustees have notice of such vacancy; any vacancy occurring in an office appointed by the board of trustees shall be filled by appointment.

§ 11. That when two or more candidates for any elective office shall have an equal number of votes for the same office, the election shall be determined by lot, in such manner as the board of trustees may direct, and in the presence of said board of trustees and at least three other persons.

§ 12. That the board of trustees shall, before every town election, appoint suitable persons as officers of election—two persons as judges, one as sheriff, and one as clerk; but no person who is a candidate to be voted for at such election, shall be appointed as an officer thereof. Officers of town elections provided

for by this act shall perform similar services, receive like pay, and be governed in their duties, so far as consistent herewith, and be subject to the same penalties, as officers of State elections under the laws of this Commonwealth.

§ 13. That all elections by the qualified voters of the town for town officers shall be held between the hours of 6 o'clock, A. M. and 7 o'clock, P. M.

§ 14. That all male residents of said town over the age of twenty-one years, who shall, at the time of offering to vote, have resided in said town ninety days previous thereto, and are qualified voters of this Commonwealth under the laws thereof, shall be entitled to vote at any election held in said town.

§ 15. That all laws in force in this Commonwealth punishing illegal voting at the State elections shall apply to illegal voting at the town elections in the town of Falmouth, subject, however, to the provisions of this act touching the qualification of voters.

§ 16. That all contests of officers elective by the voters of said town shall be governed and decided as provided for by the General Statutes, as in cases of contested elections for any officer elective by the voters of the county.

§ 17. The outgoing town clerk shall certify to the Secretary of State the name of the person elected to the office of police judge of said town, if there be no contest for said office; but if said office is contested by any one, there shall be no certificate of election issue until said contest is settled; then the clerk acting at the time such contest is settled shall issue said certificate to the Secretary of State, and the Governor shall commission said officer.

§ 18. That the poll-books of all elections held in said town shall be returned by the sheriff of election to the clerk of said town, who shall keep them on file as part of the records of his office, examine and compare the same, and issue certificates of election to the

officers elected, which certificate, before being delivered, shall be spread on the records of the board of trustees.

Powers, Duties and Liabilities of Officers.

§ 19. The clerk shall keep the corporate seal, if there ^{Clerk.} be one, and make and keep a record of the proceedings of the board of trustees, whose meetings he shall attend; and copies of all papers duly filed in his office, and transcripts from the records of the proceedings of the board of trustees, certified by him, shall be evidence in all courts. He shall draw all warrants on the treasury directed by the board of trustees, and shall countersign the same, and keep an accurate account thereof in a book to be provided for the purpose. He shall issue licenses, and do and perform all other acts and duties that the board of trustees may lawfully require of him.

§ 20. The treasurer shall receive all moneys belonging ^{Treasurer.} to the town, and keep an accurate account of receipts and expenditures; all money shall be drawn from the treasury, when ordered by the board of trustees, by warrant, which shall be signed by the chairman of said board and countersigned by the town clerk; such warrant shall specify the purpose for which the amount named therein is paid. The treasurer shall exhibit to the board of trustees, at least fifteen days before the annual election of each year, and oftener if required, a full and detailed account of all receipts and expenditures after the date of the last annual report, and also the state of the treasury, which account shall be filed in the office of the clerk, and he shall cause the whole of the above to be published in a newspaper of said town one time at least yearly.

§ 21. That it shall be the duty of the marshal ^{Marshal.} to attend all sessions of the police court, and to give the town attorney notice of any proceeding in said court to which it is his duty to attend. He shall execute and make due return of all process, civil or

criminal, to him directed by the police judge, the presiding judge of the Pendleton county court, or any justice of the peace in said county. He shall possess the power and authority of a constable under the laws of this Commonwealth, and his powers for discharging his duties shall be co-extensive with Pendleton county. He shall be entitled as compensation to the same fees allowed by law to sheriffs and constables for similar services, to be collected in the same manner; for other services he shall receive such fees and compensation as the board of trustees may prescribe by ordinance or by-law. He shall collect all executions and other demands placed in his hands for collection, and pay the same over to the person or persons entitled thereto. He shall be liable in the same cases, way and manner as sheriffs and constables are, and sued or prosecuted in the same manner. He may or may not be appointed collector; but if he is, he shall be required to give, in addition to the marshal's bond, a bond as collector.

Collector.

§ 22. That it shall be the duty of the collector to collect all taxes and assessments which may be levied by the board of trustees, and for that purpose shall have all the powers of a sheriff to make levy and sales of both personal and real estate. He shall pay over to the treasurer all taxes and other money as the board of trustees may direct. When the tax list is placed in his hands, he shall proceed at once to collect the same, and to enforce payment may proceed to sell the same as a sheriff does, both personal and real estate. Upon making a levy on either real or personal property, the collector shall advertise the same by notices posted at the court-house door in said town, for at least fifteen days, when he shall proceed to sell the same at some public place in said town, to be designated in said notices, to the highest bidder; and, on receiving the price bid, if personal property, shall deliver the article to the purchaser; and if real estate, shall give to the purchaser a certificate of such

purchase, which, on presentation to the board of trustees, shall entitle the purchaser to a deed from the board of trustees for the real estate so purchased, unless the same be redeemed as hereinafter provided. He shall make to the board of trustees, at such time and in such manner as they may direct, a full and complete statement of his acts and proceedings.

§ 23. That it shall be the duty of the town attorney ^{Attorney.} of said town to prosecute all penal offenses tried in the police court of said town, and all penal offenses committed in said town, which may be tried in any other court of Pendleton county that has competent jurisdiction with said police court over said offenses, and to perform all other duties incident to his office, and to give written opinions upon subjects submitted to him by the board of trustees or its committees.

§ 24. That the assessor shall perform all the duties which the board of trustees may by ordinance or by-law prescribe, in relation to the assessment of property for the purpose of imposing or levying taxes.

§ 25. That the board of trustees shall have power at all times to require further and other duties, and fix the compensation of all officers whose duties are herein prescribed, and prescribe the powers and duties of all officers appointed or elected to office under this act, whose duties are not specifically mentioned, and fix their compensation.

§ 26. That the police judge, treasurer, marshal, collector, and such other officers as the board of trustees may require, shall severally, before they enter upon the duties of their respective offices, execute a bond, payable to the board of trustees of Falmouth, in such sums, with such conditions and such sureties as the board of trustees may approve, conditioned that they will faithfully execute the duties of their respective offices and pay over to such persons, and at such times as they may respectively be entitled to the same, all money or other thing that may come to their hands as such officers respectively; which bonds, with the ap-

proval of the board of trustees certified thereon, shall be carefully preserved by the clerk of said town, and the bond itself shall be spread upon the records of the board of trustees.

§ 27. That the board of trustees of Falmouth, or any person injured by the breach of any or either of said bonds, may, in any court having jurisdiction, prosecute suit against said officer, his sureties or any or all of them, the same as sheriffs or constables can be prosecuted or sued under the General Statutes of Kentucky.

Police court. § 28. That there is hereby established in said town a court, to be styled the Falmouth Police Court, which shall be held by one judge, to be styled the judge of the Falmouth police court, who shall be elected as hereinbefore provided.

§ 29. That the Falmouth police court shall have exclusive jurisdiction of all prosecutions for violations of the by-laws and ordinances of said town, and concurrent jurisdiction with other courts of Pendleton county of prosecutions for riots, routs, breaches of the peace, and other misdemeanors committed within said county, where the penalty imposed by law does not exceed one hundred dollars fine and fifty days imprisonment; said court shall have power and authority to take recognizances from persons charged with offenses cognizable before it to appear and answer the same, and the same power to declare the same forfeited, and pronounce judgment thereon, and to enforce full compliance therewith, as circuit courts have.

§ 30. That said court shall have power to issue warrants and other process in the name of the Commonwealth, to compel the attendance of witnesses, to enter judgment and award, and issue writs for the purpose of enforcing its orders and judgments, to the same extent and in as full a manner as other courts of this Commonwealth of like jurisdiction.

§ 31. That said court shall have jurisdiction concurrent with justices of the peace of Pendleton county in civil cases within the magisterial district in which said town is situated ; and the police judge shall have power to grant orders of attachment, injunctions and restraining orders, orders of delivery, writs of *habeas corpus*, distress warrants and warrants in forcible entry and detainer cases, under the same circumstances, and under the same rules and regulations as justices of the peace or judges of courts with like jurisdiction and powers.

§ 32. That the police court shall be held at such place as the board of trustees shall designate, or they failing to designate and provide a suitable place, at such place as the judge may designate in said town.

§ 33. That the court shall be open at all times for the trial of criminal and penal cases within its jurisdiction ; and the terms for the trial of civil cases shall be held quarterly, at such times as may be fixed by said court by an order duly entered on its order-book, and until thus changed, shall be holden at the times now prescribed by law.

§ 34. That said court shall be a court of record, and the judge thereof shall act as clerk ; and copies of the records of said court, over the signature of the judge, and certified by him as being a true copy, shall be evidence in any court in this Commonwealth.

§ 35. That said court shall have power to punish for contempt by fine or imprisonment, not exceeding five dollars fine and three days' imprisonment for each offense.

§ 36. That all fines and forfeitures recovered in said court are hereby granted to said town, and shall be collected by the marshal or other officers to whom the process is directed, and paid by him to the town treasurer ; or before process issues defendant can pay his fine to the judge of said court, who shall pay same to the treasurer of said town.

§ 37. That the defendant shall have the right to replevy, for three months, any judgment, fine or forfeiture of the police court, on execution or other final process thereon, by giving bond, with good security, in the same manner as allowed by law in similar cases within the jurisdiction of other courts of this Commonwealth.

§ 38. That a return of not found on a *capias pro fine* and of no property found on a *feri facias* issued on any judgment of the police court, shall authorize an equitable proceeding in favor of the board of trustees of Falmouth against the estate of the defendant for the purpose of enforcing satisfaction of said judgment, in the same manner that a return of no property authorizes such proceedings in civil causes.

§ 39. That upon all judgments for fines rendered by said court, and which shall not be paid, an execution against the estate of the defendant may be issued, or a *capias pro fine* may be issued, commanding the imprisonment of the defendant in the jail or work-house of the town or county until the same shall be paid; but the imprisonment shall not exceed one day for each dollar of such fine: *Provided*, That said court, in its discretion, may assign such defendant so fined to hard labor on the streets or alleys, or any works belonging in any manner to said town, or at some other labor for the benefit of said town, until he shall pay his fine and the costs adjudged against him; allowing for his labor at the rate of one dollar per day; eight hours shall constitute a day; and when not at labor defendant shall be confined as provided in this section. And for the purpose of putting him in the jail or work-house and taking him out to labor, a certified copy of the order assigning him to work shall be sufficient authority to the marshal, jailer or keeper of the work-house. All persons sentenced to imprisonment by said court may be assigned to labor in like manner as those fined. When persons imprisoned, as contemplated by this

section, shall be confined in the county jail, the jailer's fees shall be paid by said town.

§ 40. That appeals shall be from the decisions and judgments of said police court of the Pendleton criminal court in criminal and penal causes, when the fine exceeds twenty-five dollars or the imprisonment exceeds ten days. But no judgment shall be suspended by such appeals unless the defendant, within five days after the rendition thereof, cause to be executed, before the clerk of the court to which the appeal is taken, a bond with good security, in all respects as required by section 364 of the Criminal Code of Practice; or, in civil cases, appeals shall be to the Pendleton quarterly or circuit courts, the same as appeals from judgments of justices of the peace to said courts.

§ 41. That the fees of the police judge, whether acting as judge or clerk or otherwise, shall be the same in all cases as are now or may hereafter be given by law to officers performing like services; and fees and costs shall be taxed in cases in said court to the same extent, in the same way, and under the same regulations, as in other courts having similar jurisdiction.

General Powers and Duties of the Board of Trustees.

§ 42. That the board of trustees shall hold stated meetings, and the chairman, or, in his absence, the clerk, may call meetings by notice (oral or written) to each of the members; a majority of the members elected as trustees shall constitute a quorum.

§ 43. That the board of trustees shall have power to make, ordain and publish all such ordinances, by-laws, police and sanitary regulations, not contrary to the Constitution of this Commonwealth, for the good government of said town, and to promote the health, security, trade and commerce thereof, and that may be necessary or expedient to carry into effect the powers vested in the board of trustees, or any officer

of said town, by this act, and to amend or repeal the same, and to enforce the observance of all ordinances, by-laws and regulations made in pursuance to this act by penalties not to exceed one hundred dollars fine and fifty days imprisonment for any offense against the same.

§ 44. That the board of trustees shall be allowed fifty cents a piece for every regular meeting of the board that they may attend, as compensation for their services; but they shall not be allowed any compensation for called meetings or for any regular meeting they do not attend; said allowance, when due, shall be allowed by the board, and an order entered on their minute book directing the town clerk to draw a warrant on the treasurer for same, as all other claims are allowed.

§ 45. That no member of the board shall hold any office under said board of trustees while he is a member of same: *Provided*, There is any compensation attached to said office, the allowance of which is made by said board of trustees; nor shall any member of said board of trustees be allowed to furnish materials or other things to said board for the benefit of the town of Falmouth under contract, or in any other manner, where there is compensation attached to same.

§ 46. That the board of trustees shall have the management and control of finances, and all the property, real, personal, and mixed, belonging to the corporation, and shall have power to provide for the erection, repair, maintenance, and government of all public buildings of the town, and to provide for inclosing and improving all public grounds belonging to the town; and within the jurisdiction of said town shall have power by ordinance or by-law—

1. To restrain and prohibit all descriptions of gambling, playing at cards, dice, or other games of chance, whereat any thing of value is won or lost.

2. To license, tax, regulate, or prohibit billiard

tables, pigeon-hole, Jenny Lind, and similar tables, pin alleys, nine or ten-pin alleys, ball alleys, or shooting galleries.

3. To license, tax, regulate, or prohibit all concerts, exhibitions, shows, circuses, caravans, theatrical performances, and all other exhibitions and amusements.

4. To prevent and suppress tumults, riots, routs, and breaches of the peace, noises, disturbances, or disorderly assemblages.

5. To restrain or suppress disorderly houses, groceries, saloons, halls and houses of ill-fame.

6. To restrain, suppress and punish indecent, obscene or profane language, conduct or exhibitions, and restrain and punish vagrants and prostitutes.

7. To restrain, regulate or prohibit the running at large of horses, swine or other animals, and authorize the distraining, impounding and sale of the same for the penalty incurred and cost of proceedings, and to impose penalties on the owner of any such animal for a violation of any ordinance or by-law in relation thereto.

8. To prohibit the running at large of dogs, and to authorize the destruction of the same when found at large contrary to by-law or ordinance, and to impose penalties on the owners thereof for permitting them to run at large.

9. To appoint watchmen or policemen, and prescribe their duties, powers and pay.

10. To establish and maintain a jail or station-house, a hospital or pest-house, an engine-house, work-house, poor-house and market-house, and make rules and regulations for the government thereof, and appoint officers for the conduct and management of the same.

11. To authorize the clerk to grant and issue license, and direct the time and manner of issuing and registering thereof, and the fees to be paid therefor; but no license shall be granted for more than one year,

and the fee for issuing the same shall not exceed fifty cents.

12. To license, tax and regulate auction sales, peddlers, studs, bulls and jacks; to declare what are nuisances, and to provide for the abatement thereof, and impose penalties for creation or maintenance of the same.

13. To license, tax and regulate within said town, and within one mile thereof, innkeepers, hotel or tavern-keepers, saloon or coffee-house keepers, grocers, merchants, druggists and keepers of other places for selling spirituous, vinous or malt liquors, and to restrain all such persons from selling without license.

14. That the board of trustees of Falmouth shall have exclusive power to grant all license for which provision is made by this act; but such license shall not excuse the person obtaining it from paying to the State any tax, and from procuring from the county court or clerk any license now required by law. That the amount to be paid for license to sell spirituous, vinous or malt liquors in any hotel, inn, tavern, coffee-house or saloon, by the drink, for the period of one year, shall not be less than one hundred nor more than five hundred dollars, and the amount to be paid for any other license authorized by this act shall be fixed by the board of trustees. Before any person shall have the right to sell spirituous, vinous or malt liquors within said town or within one mile thereof, he shall present to the treasurer of said town a certified copy of the order of the board of trustees granting him license, and lodge the same with him, and pay him the amount charged therefor, as fixed by ordinance or by-law. If any person shall sell spirituous, vinous or malt liquors within said limits without first having complied with the foregoing provisions of this section, he shall be deemed guilty of retailing liquor without license, or keeping a tippling-house, as the case may be, under the General Statutes, and shall be subject to indictment in the Pendleton criminal court,

and fined as provided in the General Statutes for the commission of said offenses.

15. To provide for the security of said town against fire, by the purchase of fire engines and other fire apparatus, and the organization of one or more fire companies; appoint officers and make rules and regulations for the government thereof, and do all other things and acts necessary for the maintenance of an effective fire department.

16. To acquire, by donation or purchase, and receive conveyances for ground, either within or without the limits of said town, for a cemetery not exceeding ten acres; for a poor-house and a pest-house not exceeding one acre each.

17. To make and receive all conveyances relating to said town; to take, receive and hold any estate, real, personal or mixed, for the use, benefit or ornament of said town, by purchase, devise or bequest.

§ 47. That said board of trustees shall have the ^{Taxation.} power, subject to the exceptions hereinafter mentioned, to annually levy and collect taxes, not exceeding one dollar on each one hundred dollars' worth of all the property in said town, including every thing subject to taxation by the State for revenue purposes, and a head or poll tax upon every male inhabitant of said town over the age of twenty-one years of not exceeding two dollars, and a tax not exceeding one dollar on each dog that any person may keep or suffer or permit to be kept on his or her premises.

§ 48. That there shall be exempt from taxation under this act all public property belonging to said town, the county of Pendleton, the State of Kentucky, the United States, any church, college, school, seminary, and all ground attached to and dedicated to the use of any such above named property, and any cemetery belonging to said town, and household and kitchen furniture belonging to a *bona fide* housekeeper with a family, not exceeding two hundred dollars in value.

§ 49. That all taxes or assessments levied or assessed by the board of trustees under this act shall be a lien upon the real and personal estate upon which the same may be imposed, voted or assessed, until the same is paid; and no sale or transfer of real estate shall affect the lien thereon.

§ 50. That the right of redemption in all cases of sales of real estate for taxes or assessments shall exist to the owner or his heirs, for a period of three years from the day of sale, on payment of the amount for which the same was sold, and twenty-five per cent. added, and all the taxes accruing subsequent to the sale; and if the owner, at the time of the sale, be an infant, married woman, or person of unsound mind, said right to redeem shall exist for a like number of years after the removal of such disability. If not redeemed, the board of trustees shall, on presentation of the certificate of sale, execute a deed to the purchaser, conveying to him the real estate so sold and unredeemed as aforesaid.

§ 51. That all fines and forfeitures, taxes and assessments herein contemplated and provided for, shall be appropriated exclusively to the use and benefit of said town, in such a manner as the board of trustees may direct.

§ 52. That the clerk shall keep a record of all sales for taxes and assessments, which shall be open for inspection at all times.

Streets, Alleys, Public Grounds, etc.

§ 53. That the board of trustees shall have authority and control over the streets, alleys, sidewalks, public squares and grounds now in said town, or which may be opened or laid out hereafter, with full power to grade, pave, construct, repair, protect and ornament the same, as they may deem most convenient and beneficial to said town, and by a unanimous vote may close any alley in said town.

§ 54. That the owners in front of or upon whose premises the board of trustees shall order and direct curbing or sidewalks to be constructed, repaired or relaid, shall make, repair or relay such curbing or sidewalks at their own costs and expense, and in a proper manner, and with material suitable for the convenience of public travel, as needed at the place where the sidewalk is to be laid, and within the time that the board of trustees may prescribe by by-law or ordinance, entered on their records; and if not done within the time and manner above specified, and if the board of trustees have given said owner notice three days before one of their regular meetings, so that he can be heard at the next meeting after said notice is given, said board of trustees may declare said curbing or sidewalk a nuisance, and they may cause the same to be constructed, repaired or relaid, and assess the expenses thereof, and collect the same by warrant and sale of the premises, as in the case of taxes; a suit may also be maintained by the board of trustees against such owner or owners for the expenses of said improvements: *Provided*, That no persons shall be required to make a sidewalk in front of his or her premises until the street in front of such premises has been macadamized at the expense of the town.

§ 55. That it shall be the duty of the board of trustees, at all times, to keep the streets, alleys, lanes, public squares and places in good order and condition, and for every failure to do so, as well as every other willful failure to efficiently exercise the powers herein conferred upon them to promote the good order, health, safety and prosperity of said town and its inhabitants, they shall, for each offense, upon indictment and conviction in the Pendleton criminal court, forfeit and pay for the use of said town not less than twenty nor more than fifty dollars, and such fine shall be paid by the members out of their individual estates, share and share alike.

General Provisions.

§ 56. That the property and citizens of said town shall be exempt from the operation of all road laws now or hereafter in force in Pendleton county.

§ 57. That all ordinances, regulations and by-laws now in force in said town, and not inconsistent with this act, shall remain in full force until altered or repealed by the board of trustees after this act takes effect; and the officers of said town now in office shall remain and continue in the same for and during the terms for which they were respectively elected, but shall be governed by this act.

§ 58. That this act shall not affect or invalidate any act done by the board of trustees, or any of the officers of said town, nor divest their successors of rights of property or otherwise, or liability which may have accrued to or been created by said corporation prior to the passage of this act.

§ 59. That all acts and parts of acts in relation to the town of Falmouth inconsistent herewith, are hereby repealed.

§ 60. This act shall take effect and be in force from and after its passage.

Approved March 14, 1888.

CHAPTER 514.

AN ACT to prohibit the sale and use of spirituous, vinous and malt liquors in the county of Rowan.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person or persons to sell, barter, give, loan, or traffic in spirituous, vinous or malt liquors, in any quantity whatever, within the county of Rowan; and all laws or parts of laws authorizing the county judge of said county, or the trustees of any town within said county, to grant a license to retail spirituous, vinous or malt liquors, are hereby repealed.

Making sale, etc.,
unlawful.

§ 2. This act shall not apply to the procuring or use of wine for sacramental purposes, or to a regular resident practicing physician, who, in good faith, prescribes the same as a medicine to his patient or patients. Exempting certain cases.

§ 3. Nor shall this act or its provisions apply to those who give or furnish spirituous, vinous or malt liquors to a member or members of their own family, or their invited guest at their own household. Members of own family exempt.

§ 4. Any person violating the provisions of the first section of this act, unless within the exceptions named in the second and third sections, shall be fined for each offense, each violation to be deemed a separate offense, in a sum of one hundred dollars, to be recovered by the indictment of a grand jury, or by a proceeding before the county judge in the name of the Commonwealth after five days' notice, the accused, if he demands it, to be entitled to a trial by jury. Penalty for violation.

§ 5. Any physician who shall furnish spirituous, vinous or malt liquors to any person or persons, except as a medicine, shall be fined one hundred dollars for each offense, to be recovered as provided in the fourth section of this act; and each violation shall be deemed a separate offense. Penalty for physician violating.

§ 6. The procuring for or the delivery by one person of liquors to another, unless a member of the same family, or their invited guest at their own household, to be drank as a beverage, shall be deemed a sale under the provisions of the first section of this act, and subject the party procuring or delivering the same to the penalties annexed for a violation of said section. Defining a sale.

§ 7. It shall be the duty of the circuit judge of the county to give this act in charge to the grand jury at each term of the court. Shall be given in charge to grand jury.

§ 8. This act shall take effect and be in force from and after its passage.

[Became a law without approval of Governor March 14, 1888.]

CHAPTER 515.

AN ACT directing the Secretary of State to procure and furnish to Menefee county certain books.

WHEREAS, At the formation of Menefee county the act creating said county required the Secretary of State to furnish said county and its several officers with all the books then allowed by law to the several counties ; and whereas, the Secretary of State failed to furnish to the clerks of the county and circuit courts, and to the county judge of said county, one copy each of volumes one and two of Duvall's Reports, and one copy each of volumes one and two of Bush's Reports ; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Secretary of State be, and he is hereby, directed to procure, by purchase or otherwise, and furnish to said county, one copy each for the county court and circuit court clerk's offices, and one copy for the use of the county judge's office of the first and second volumes of Duvall's Reports and the first and second volumes of Bush's Reports ; and for the cost of which he will draw his warrant on the Treasurer ; but that in no event shall any one volume cost more than five dollars per volume.

§ 2. This act to take effect from and after its passage.

[Became a law without approval of Governor March 14, 1888.]

CHAPTER 516.

AN ACT to incorporate the Saturday Night Saving and Loan Association of Lexington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That L. Royalty, Perry Crosthwait, F. P. Searce, Richard Arnsperger, M. C. Alford, J. Will Sayre, J. Wood Browning, James C. Rogers, W. H. Boswell and S. G. Sharpe be, and they are hereby constituted a body-corporate, under the name and style of "The Saturday Night Savings and Loan Association," and by that name may sue and be sued, implead and be impleaded ; shall have succession ; have a common seal, and alter or change the same at pleasure ; may acquire and hold real and personal property, and sell and convey the same, and shall possess such other powers as are consistent with the objects of this association.

Names of incorporators and style.

§ 2. The management of this association shall be invested in a board of eight directors, elected annually by the stockholders. The directors shall elect from their number a president, vice-president and a treasurer, and from the stockholders a solicitor, assistant solicitor and a secretary, and until the first general election of officers hereinafter provided for, L. Royalty, Perry Crosthwait, F. P. Searce, R. Arnsperger, J. Will Sayre, S. G. Sharpe, James C. Rogers and W. H. Boswell, shall be the directors, and they shall fill the offices of solicitor, assistant solicitor and secretary, as above provided. In all elections and transactions of other business, each member present shall be entitled to one vote for every share owned : *Provided*, That women and infant members of the association may vote by proxy ; married women and infants by their husbands and guardians, other women by any member of the association selected by them, in writing, to act for them.

Management of its affairs.

§ 3. The capital stock of said association shall be ten hundred thousand (\$1,000,000) dollars, to be divided into shares of five hundred (\$500.00) dollars each, to be paid by the stockholders in weekly installments of (\$1.00) one dollar each week for each share of stock, until said installments, with their net accumulations, shall amount to said sum of five hundred (\$500.00) dollars for each share, when such share shall be canceled and the stockholder thereof receive the amount in turn.

§ 4. The corporators above named shall open books for the subscription of said stock, and may adopt, so far as it has progressed, the subscription of said stock in anticipation of this act; and whenever two hundred shares shall be subscribed, said association may go into operation.

§ 5. Persons may become members of this association at any time without the payment of back dues, and shall share pro rata in the profits, to be calculated, however, from the time of their entrance into the association and upon the amount they have paid in: *Provided*, That no dividend shall be declared on shares that have not been enrolled three months prior to the declaration of such dividend.

§ 6. The object of said association being to enable its members, by their savings and accumulations, to acquire homes and other property, its business shall be to loan its capital stock as paid in, and the accumulation thereof, only upon mortgages and liens upon real estate, ample in amount to secure the same, preference being given in all cases to members of said association; and said loans shall be made at such rate of interest, not exceeding six per cent., as may be agreed upon, the parties thereto, together with such premiums as may be offered by the parties to whom the loans may be made.

§ 7. As soon as practicable after the association is ready to go into operation, as provided in section 4 of this act, the corporators shall call a meeting of the

stockholders, giving reasonable notice of such meeting, for the election of directors, who shall serve for one year, and until their successors are elected and enter upon the discharge of their duties; annually thereafter, at such times as may be fixed by the by-laws to be adopted by the stockholders, the directors shall be elected, and said stockholders shall have authority to pass and make any by-laws for the government of the association, not inconsistent with this charter or the laws or Constitution of this State or the United States.

§ 8. Said corporation may provide in its by-laws what penalties shall attach for failure to pay the installments of stock at the time fixed therefor, and shall have full power to enforce such penalties, whether the same shall be by fine or forfeiture of such shares. It may also provide upon what terms members desiring to withdraw from the association may do so. It may also direct what officers shall be required to execute bonds, with security for the faithful performance of their duties, and the amount of penalty in said bonds; and said bonds, when executed, shall be fully binding upon the obligors thereto; and it may require the payment quarterly, in advance, of five cents per week on each share to meet current expenses, and also to fix an initiation fee of one dollar on each share.

Penalties for failure to pay dues.

§ 9. In addition to the mortgage lien or security which may be given by a stockholder to secure any loan which may be made, or any indebtedness which may be created, a first lien is given to the association upon the interest and stock of such shareholder in said association to secure the association in said loan or indebtedness.

Liens on shares and stock.

§ 10. Should the members of the association desire to wind up its affairs, a dissolution may be had by proceeding as follows, viz: A resolution in writing, signed by members representing at least one-third of the shares of the association, asking for such dissolu-

How association may be dissolved.

tion, shall be offered at a regular meeting. The board of directors shall then notify or cause to be notified each stockholder of an extra meeting to be held not less than ten days after the date of said notice, for the purpose of considering such resolution; and if, in said extra meeting, three-fourths of the shares of the association shall be voted by ballot for a dissolution of the association, then it shall be dissolved, and the board of directors shall take the necessary steps to wind up the affairs of the association.

Rules and regu-
lations. § 11. The directors may adopt any rules for conducting the business of the association not in conflict with this act, the by-laws of said association, or the laws of Kentucky or Constitution aforesaid.

Usury. § 12. That nothing within act twenty-nine shall be construed so as to allow any usury be charged, directly or indirectly.

§ 13. This act shall take effect from and after its passage.

Approved March 14, 1888.

CHAPTER 517.

AN ACT to amend an act, entitled "An act to amend an act, entitled 'An act to amend the charter of the city of Covington,'" approved May 1, 1886, passed at the present session, and approved the fifteenth of February, 1888.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the first section of said act be amended by adding thereto, at the end thereof, the following: "Provided, Said trustees may deduct from the proceeds of the sale of said bonds, and that of the issue of bonds authorized by the said act of first of May, 1886, now remaining unsold, such expense as they may incur in making sale thereof.

§ 2. This act shall take effect from its passage.

Approved March 15, 1888.

CHAPTER 518.

AN ACT to amend an act, entitled "An act to incorporate the town of South Louisville."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the act, entitled "An act to incorporate the town of South Louisville, in Jefferson county," approved May 17th, 1886, be, and the same is hereby, amended as follows: By striking out all of the first section thereof after the word "beginning," and inserting instead thereof the following: "At the intersection of the west line of Fourth street as extended to the north line of the land bought by Theo. Schwartz & Co. from Churchill; thence along the north line of said land to the westward line of same; thence southwardly along said western line to the south line of what is known as 'P' street; thence with said line east to the western line of the National Turnpike Road; thence along said line southwardly to the southwardly line of the twenty-six acre tract bought by Jones & Ward from Standiford; thence along said line eastwardly, and in same course, on a prolongation of said line, across the Louisville and Nashville Railroad Company's right of way, and across the fifty-acre tract bought by said company from Jones to the south-eastern line of said tract; thence along said line northeasterly to where it is seven hundred and two feet and three inches from the Louisville Transfer Company's center line; thence north thirty-three and one-half degrees, east, to the northern line of the Lilly tract of land; thence along said line westwardly to what would be the western line of Brook street, if extended; thence south on said line to where it intersects the northern line of the Jones & Ward land; thence along said line westwardly and the north line of the said land bought by Schwartz & Co. to the point of beginning: *Provided*, That should there be

any conflict between the above boundary and that of the city of Louisville, then the boundary of said town shall yield to that of said city, and follow it along until beyond the conflict, and then follow the boundary of said town as herein given."

§ 2. That section 9 of said act of May 17th, 1886, be, and the same is hereby, repealed.

§ 3. That this act shall take effect from its passage.

Approved March 15, 1888.

CHAPTER 519.

AN ACT to amend the charter of the Bank of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Capital stock. § 1. That the capital stock of the Bank of Louisville is hereby fixed at one million dollars; and for the purpose of procuring the additional capital so authorized, the board of directors are empowered to issue and sell additional stock sufficient, at the rate of one hundred dollars for each share, to increase the present stock to a total of one million dollars. Parts of such total additional stock hereby authorized may be, from time to time, offered and sold. But no part of such new stock shall be sold nor subscriptions therefor be taken at a less rate than the par value thereof.

Safety vault. § 2. That power is hereby given to said Bank of Louisville, upon the vote of its board of directors to construct a commodious and strong safety vault, containing a number of compartments or boxes designed and adapted for renting to persons who desire to have a place of safe deposit for valuables; and power is hereby given said bank, through its board of directors, to rent out the boxes in such safety vault to such persons or corporations, and for such periods of time, and at such rates as may be agreed.

§ 3. Said board of directors may employ vault Vault-keepers. keepers and other officers and employes proper or necessary to the custody and management of said safety vault. All such officers and employes shall hold their places at the pleasure of the board of directors, and the board of directors may require of any or all such bond or bonds, and may prescribe the form and fix the penalty of the same, and from time to time exact further bond or surety as in their judgment may be expedient.

§ 4. This act shall not take effect until the provisions of the same shall have been accepted by a majority in interest voting at a regular stockholders' meeting, or at some special stockholders' meeting called for the purpose of considering the acceptance of this act, and the fact certified to the Governor of this Commonwealth under the seal of said corporation. The vote shall be taken in conformity with the law now existing regulating meetings of stockholders and the voting thereat.

Approved March 15, 1888.

CHAPTER 520.

AN ACT to incorporate the Daysville, Elkton and Fairview Turnpike Road Company, in Todd county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That a company be, and is hereby, incorporated Incorporation, and style. for the purpose of building, constructing and managing a turnpike road from the county line between Logan and Todd counties, beginning on the Russellville and Hopkinsville road near P. Lyons' residence, with said road through Daysville and Elkton, and to the county line between Todd and Christian counties, in Fairview, or so much thereof as said corporation may deem proper to build, under the name and style of "The Daysville, Elkton and Fairview Turnpike.

Road Company ;” and by that name and style shall have perpetual succession, and have the right to contract and be contracted with, to sue and be sued, plead and be impleaded, in all the courts of this Commonwealth ; and be a body-corporate and have a common seal, which they may alter or change at pleasure, and all other rights and powers incident to, and necessary to carry into effect, the powers hereinafter granted.

§ 2. That the capital stock of said company shall not exceed fifteen thousand dollars, and shall be divided into shares of twenty-five dollars each.

§ 3. That C. H. Penick, John N. Dill, A. W. Goodman, S. H. Perkins, E. B. Weathers, George Jesup, William Jesup, Robert Dauner, W. S. Wyatt and W. A. Starkes, be, and they are hereby, appointed commissioners to open books and receive subscription for stock in said company, at such times and places as any three of them may deem expedient ; and when fifteen hundred dollars of said stock shall have been subscribed, said commissioners, or any three of them choosing to act, shall call a meeting of the stockholders, by general public notice posted up in Daysville, Elkton and Fairview, when and where the stockholders shall meet to organize and elect officers, at which meeting they shall elect a president and five directors, who shall have the control and management of said road, a majority of whom shall constitute a quorum to transact the business of said company, and in whom and their successors shall be vested the corporate powers of said company ; that in all the elections held under this charter, each and every stockholder shall be entitled to one vote for each share of stock owned by him, to be cast either in person or by proxy, authorized by writing ; the president so chosen shall be the executive of said board, and preside over the meetings, and in his absence the board may select one of its members, as president *pro tem.*, who shall have the same powers and perform the same duties of the president ; the board shall have power to appoint a

treasurer and secretary, and prescribe their duties and fix their compensation.

§ 4. After the board is thus organized, an annual ^{Elections.} election of president and directors shall be held in Elkton on the first Monday in November of each year, and if, for any reason, it should not be held on that day, it may be held as soon thereafter as practicable; the officers so elected shall hold their office for one year, and until their successors are elected and qualified. Said directors are authorized and empowered to fill any and all vacancies occurring in said board; no person shall be eligible to the office of president or director unless he is the owner in his own right of stock in said company; they shall have the right to make all necessary by-laws for the government of themselves, officers and affairs of said company, not inconsistent with this charter and the laws of the land, and regulate the manner of election of its officers.

§ 5. It shall be the duty of the secretary to keep ^{Duty of secretary.} the books and accounts of said company, to attend the meetings of said board, and keep in a substantial book an accurate record of all its proceedings, which shall at all times be open for the inspection of the stockholders.

§ 6. It shall be the duty of the treasurer of said ^{Duty of treasurer.} company to collect and receipt for all the stock paid in, and he shall be the custodian of all the money belonging to said company, and he shall pay the same out only on the order of the board of directors, certified to him by the secretary; but before entering on the duties of his office, he shall execute a bond, with approved security, to said board, conditioned that he will faithfully perform all the duties of treasurer, and pay over as directed by the board any money in his hands belonging to the company, and will make full settlement of his accounts when required by said board; and on going out of office will deliver to said board or his successor all books, papers, property,

money or other thing in his hands belonging to said company, which bond shall be delivered to and preserved by the secretary.

Oaths of officers. § 7. The president and directors of said company, and all other officers, shall, before they enter upon the duties of their office, take an oath before some one legally authorized to administer the same, to well and faithfully discharge their duties; and the board is required to make and declare equitable dividends of the surplus earnings of said company, if any, among the stockholders, according to their respective shares, after paying the expenses of said company.

Certificates of stock. § 8. Certificates of stock in said company shall be signed by the president and countersigned by the secretary; it shall be deemed personal estate, and transferable on the books of the company in such manner as the board may prescribe.

Construction of road. § 9. That said company may construct said road, or any part of it which they may deem proper to construct, or have it constructed by contract with other parties, as deemed best by said company; and should the company construct said road, or any part of it, they may provide that stock in the same may be paid for in work or material, in such manner as may be agreed upon; and as soon as fifteen hundred dollars shall have been subscribed to said capital stock of said company, and the same organized, the construction of said road may be commenced; and the company may determine at what point or points on said road work may begin, and the number of gates that shall be erected; and after two miles of said road is completed, they may erect one toll gate across said road at any point they may select, and collect full toll from all persons traveling over said road, as is now or may be hereafter provided by law.

Rights and powers of board. § 10. Said board of directors shall have all the rights, powers and privileges, and do all acts and things necessary for letting, contracting, completing and managing said turnpike road; may determine its

width, grade and depth of metal, and open a good summer road by the side of said metal road, and keep the same in good order; for which purpose, if it becomes necessary, they have power and authority to use the full width of the present dirt road, and to remove all obstacles or impediments thereon.

§ 11. All stock subscribed to said compay shall be paid at such times and in such manner as may be fixed by the board of directors: *Provided*, That no calls shall be made for more than one-fourth of the subscription at any one time, and shall not be made nearer together than thirty days. Payment of stock

§ 12. That the directors of said company shall have power to employ all needful superintendents and engineers deemed by them expedient; to acquire, by contract, any material for building the road; and in case a satisfactory agreement can not be made with the owner for the same, they may have any rock quarry, timber land, or other thing necessary for building or repairing the same, condemned according to the general laws in force on this subject. They shall have power and authority to enter upon any lands to examine any rock quarry or timber or other thing needed for the construction or repairs of said road; and they have the right to use the present county road herein referred to for a road-bed for said turnpike without having it condemned, and to contract with or lease that part of said road now metaled, from the county court, on such terms and on such time as they may agree. Superintendents
and engineers.

§ 13. That the county court of Todd county, a majority of the justices being present and concurring therein, may subscribe stock in said road, not exceeding five hundred dollars per mile as completed; and for the purpose of paying the same, said court may levy and have collected a poll and ad valorem tax on the citizens and property in the magisterial districts through which it runs for the payment of said stock. County subscrip-
tion.

§ 14. That the private property of the members of

Exemption of
private property.

the corporation and stockholders shall not be liable for corporate debts; and if any of the stockholders in said road shall fail or refuse to pay the stock subscribed on the calls for the same when due, they shall be liable to suit for enforcement of the collection of the same in any court having jurisdiction thereof.

§ 15. The provisions of chapter 110, titled "Turnpike, Gravel and Plank Roads," so far as they are applicable to turnpike roads and consistent with this act, are adopted and made a part hereof.

§ 16. This act shall take effect and be in force from its passage.

Approved March 15, 1888.

CHAPTER 522.

AN ACT to incorporate the Deposit Bank Calhoon, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Creation.

§ 1. That a bank is hereby created and established in the town of Calhoon, McLean county, Kentucky.

Corporate powers and style.

§ 2. That the subscribers to the capital stock thereof, together with their associates, successors and assigns, and all other persons who shall become stockholders in this incorporation, shall be, and they are hereby, made and created a body-corporate and politic, under the name and style of the Deposit Bank; and by that name shall be made capable to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in any court or place whatsoever, and have all the powers hereinafter given; and make and use a common seal, and the same to alter and renew at pleasure; also make, establish, and put into execution such by-laws as may be necessary or convenient for the government and management of its business,

not inconsistent with or contrary to the Constitution and laws of the State of Kentucky or the United States.

§ 3. That F. E. Porter, R. H. Glover, J. Weil, J. J. Names of commissioners. Giles, W. L. Hobson, R. M. Glover, Ben. F. Landrum, Jas. Cote, J. E. Porter, Isaac Calhoon, Geo. F. Ingram, G. T. Cary, R. G. Cary and P. F. Lockett, are hereby appointed commissioners to receive subscriptions to the capital stock of said bank, any two of whom may act; and when the sum of twelve thousand five hundred dollars (\$12,500) shall have been subscribed, said commissioners shall give notice of the time and place of a meeting of the subscribers in the town of Calhoon, and the corporation may organize and begin business. When five thousand dollars (\$5,000) of subscribed stock shall have been paid in, and when the president or cashier of said bank, elected as hereinafter provided, shall have made oath to the fact of such payment, before some judge, justice or notary, and the remaining seven thousand five hundred dollars (\$7,500) subscribed shall be paid in such manner and at such times as the board of directors may direct.

§ 4. The capital stock of said bank shall be twenty- Capital stock. five thousand dollars (\$25,000), divided into shares of fifty dollars each, and may be increased from time to time by a majority vote of the stockholders to one hundred thousand dollars, but not to exceed that amount. At all elections for directors, or upon all questions submitted to the stockholders for their vote and decision, each share of stock shall be entitled to one vote. The board of directors elected on the organization of the corporation shall hold their offices until the first Monday in January succeeding such election, and until their successors are elected and qualified.

§ 5. Said corporation shall be under the control of By whom controlled. not less than three nor more than five directors, who shall be stockholders and residents of this State.

They shall be elected by the stockholders, and the election shall be held at the office of the bank, under the direction of three stockholders named by the directors; the vote may be cast by person or proxy; a plurality of the votes of the stockholders represented at any election shall be necessary to a choice. The regular election for directors shall be held on the first Monday of January in each year, and they shall hold their offices for one year, and until their successors are elected and qualified. They shall elect one of their number president, and in case of a vacancy by death, resignation or otherwise, of any director or the president, the vacancy shall be filled by the remaining members of the board of directors. Should an election for directors, from any cause, fail to be held on the day hereinbefore designated, the corporation shall not from that cause be dissolved, but the directors chosen at the preceding election shall continue to hold until the next annual election, and until their successors are elected and qualified. The office of cashier shall not be incompatible with that of director.

§ 6. The directors shall have power to receive subscriptions for so many of the shares of said bank remaining unsold as they may at times choose to sell; to declare dividends, elect one of their number president, and appoint such officers, agents and servants as they may deem necessary to conduct the business of the corporation, and pay them such wages and take from them such bonds for the faithful discharge of their duties as they may think proper. The stock shall be deemed to be personal property, and shall be assignable only on the books of the company; but said corporation shall have a lien on the stock to secure any indebtedness of the stockholders on any portion of unpaid stock. Every stockholder shall be individually liable to the creditors of the bank to the full amount of stock subscribed and owned by him; but when the same shall be paid in full by them, no

Subscriptions to
stock.

further individual liability shall attach to said stockholders. If a call be made for only a part of the full amount of stock subscribed, any subscriber may nevertheless pay in his full subscription.

§ 7. That said bank shall have power to transact a ^{Nature of business.} general banking and financial business, to loan and advance money, discount promissory notes, buy and sell exchange, stocks and all kinds of mercantile securities; may buy and sell gold and silver coin, and all other evidences of indebtedness, except that it shall not have power to make or issue notes of its own to be circulated as money. The promissory notes and the bills of exchange made negotiable and payable at its banking house, or at any other banking house, when discounted by this bank, shall be, and they are hereby, put upon the same footing of foreign bills of exchange, and like remedy may be had thereon, jointly and severally, against the makers, drawers and indorsers. The said bank shall have the power to make advances on approved security, upon agricultural products, including growing crops, and upon all manufactures and fixtures as personal property. It may receive in pledge or as security for money loaned or debts owing it, bonds, stocks, produce and merchandise, United States vouchers, certificates or bonds of indebtedness, or the bonds of this or any other State, city, county or of any company incorporated by the United States or any State, and sell the same on the non-payment of the debt or demand by ordinary course of judicial proceedings.

§ 8. That said bank may receive deposits of gold, ^{Deposits.} bank notes, or other notes which may be circulated as money, and repay the same in such manner, at such times, and with such interest as may be agreed upon with the depositors by special or general contract, not exceeding, however, six per cent. per annum.

§ 9. Said bank may receive deposits from minors and married women, and the receipts and acquittances of such minors and married women shall be valid.

§ 10. That said bank may acquire, hold, use, occupy and enjoy all such real estate, goods and chattels, as may be convenient for the transaction of its business, or to further the objects of its creation, or which may be conveyed to it as surety for any debt, or purchased in aid of the satisfaction of any debt, judgment or decree: *Provided*, Said bank shall not hold any real estate they required, except such as may be necessary for the transaction of its business, longer than five years.

Oath of officers. § 11. The president and other officers of this bank, before entering upon their duties, shall take an oath before some justice of the peace or notary to faithfully and honestly perform their respective duties as required by this charter.

Duration of charter. § 12. That this charter shall continue for thirty years, and the General Assembly reserves the right to repeal or amend the same at pleasure.

§ 13. This act shall take effect from its passage.

Approved March 15, 1888.

CHAPTER 524.

AN ACT authorizing the Gallatin county court to provide for keeping up certain turnpike roads in said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Authorizing county to lease roads. § 1. That the Gallatin county court be, and is hereby, authorized and empowered to let out, for a term not exceeding thirty years, any and all turnpike or gravel roads in said county which have been or may hereafter be forfeited to said county court by indictment and judgment in the Gallatin circuit court, or which may have been or hereafter be turned over or assigned to said county court by the stockholders or companies under whose management they were or may be constructed.

§ 2. That said lease may be made to any reputable individual or to any association or company incorporated or to be incorporated under the laws of this State. Lease to whom may be made.

§ 3. That said turnpike or gravel roads shall be leased as entireties, that is, each turnpike shall be offered and let out in a separate lease upon the best possible terms, in which it shall be provided that the lessee, his heirs or assigns, shall, within a reasonable time, not to exceed one year, put the turnpike so leased to him in good repair; which will be deemed to have been done when the road is provided with all suitable culverts, side ditches, drains, turnouts and bridges, and supplied with all necessary metal laid down upon road-beds and grades as provided in the charters under which such roads were built, so that said roads shall be in such condition and repair as would, under the law now in force in this State, entitle a turnpike company to charge and receive tolls: *Provided*, That no turnpike shall be let out unless a person, association or company will agree to take the same without any compensation or bonus from said county, and put it in repair as hereinbefore provided, and keep the same in such repair during the entire period of such lease, and shall execute a bond with security, to be approved by the Gallatin county court, conditioned for a faithful performance and compliance with the terms of such lease, which bond the county court may, from any cause deemed sufficient, required to be renewed from time to time. How leased.

§ 4. Upon leasing out any of said roads, the Gallatin county court shall appoint an inspector (who shall hold his office at the pleasure of said court), who shall, from time to time, and at least once a year, examine and report the condition and state of repair the same is in; and when the lessee shall have put his road in repair, it shall be the duty of said inspector to so report to said county court, or to the judge in vacation, which report shall be filed in the clerk's Inspector and his duties.

office, and noted on the order-book; and after the making of such report, it shall be lawful for such lessee to establish toll-gates on his road, and to demand and receive the same tolls as is now provided by law for travel on turnpikes in this State, or as is agreed upon with the county court.

§ 5. The Gallatin county court shall, upon the execution of the bond by the lessee as herein provided, cause to be executed to him a lease, setting out the terms and conditions of the contract, and conveying to him, his heirs or assigns, for and on behalf of said county court, for the time agreed upon in the offer to let, all the rights, privileges and immunities it has in and to such road, including all rights of way, road-bed, material or other property, right or privilege, thereunto belonging or in anywise appertaining unto the same.

§ 6. To enable such lessee to acquire lands for toll-houses, or change of road-bed where necessary, or to obtain gravel, earth, stone, or other material for the use of said road, he may file his petition with the clerk of the Gallatin county court, therein describing the particular land or material which may be necessary for the use of his turnpike, and giving the names of the owners or proprietors thereof; and thereupon the clerk shall issue as many writs of *ad quod damnum* as there may be parties owning or in possession of such lands, materials, &c., directed to the sheriff of Gallatin county, who shall execute the same; and all the proceedings, so far as the execution and return of said writs are concerned, shall be in accordance with the provisions of chapter 94 of the General Statutes. But such lessee shall not take possession of any such condemned land or material until the amount found under said proceedings shall have been paid to the owner or proprietor.

§ 7. Upon failure of the jury to agree, alias writs of *ad quod damnum* may issue.

Writ of ad quod
damnum.

Alias writ of ad
quod damnum.

§ 8. Within six months after the passage of this act Commissioner. the Gallatin county court shall appoint a commissioner to advertise and let out said roads in accordance with the provisions of this law.

§ 9. This act shall take effect and be in force from and after its passage.

Approved March 15, 1888.

CHAPTER 525.

AN ACT to amend an act, entitled "An act to amend the charter of the town of Tyrone, in Anderson county," approved April 24, 1884.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That none of the provisions of said act shall apply to the county of Woodford, nor to the citizens thereof.

§ 2. This act shall take effect from its passage.

Approved March 15, 1888.

CHAPTER 526.

AN ACT for the benefit of Richard Board, late clerk of the Mercer circuit court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Richard Board, late clerk of the Mercer circuit court, be, and he is hereby, authorized to collect his uncollected fee bills in the same manner as if he was still acting circuit court clerk of the county of Mercer; and said Board shall be liable to the same penalties now imposed by law for making out and collecting illegal fee bills.

§ 2. This act to be a law from its passage, and continue in force for the period of two years from and after its passage.

Approved March 15, 1888.

CHAPTER 527.

AN ACT to incorporate the Journeymen Plasterers' Association, of Kenton and Campbell counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Charles McCourt, B. H. Norman, Morris Kiley, M. W. McCourt, Alexander Millner, John J. Whittle and Wm. J. Kiley, and their associates and successors, be, and they are hereby, enacted a body-politic and corporate, under the name and style of the Journeymen Plasterers' Association, of Kenton and Campbell counties; and by that name shall have right to contract and be contracted with, sue and be sued, plead and be impleaded, and to make and use a common seal, and alter the same at pleasure.

§ 2. That the officers of said association shall be a president, vice-president, secretary and treasurer, and such others as the said association shall deem necessary. The treasurer may be required to give bonds, with surety, for the faithful performance of his duties, and for any breach thereof, the said association may prosecute suit in its own name, and for its own benefit, in any court having jurisdiction.

§ 3. That the said association shall have full power and authority to make, ordain and enforce such by-laws, rules and regulations, as it may deem necessary for the administration and government of its members: *Provided*, That such by-laws, rules and regulations, shall not be inconsistent with the Constitution or by-laws of this State or of the United States.

§ 4. That the said association shall have power to purchase and hold all such real and personal property as it may deem necessary and proper for the convenient transaction of its business; but the aggregate value of such property shall not at any time exceed the sum of twenty thousand dollars.

§ 5. All acts or parts of acts in conflict with this act are hereby repealed.

§ 6. This act shall take effect from and after its passage.

Approved March 15, 1888.

CHAPTER 530.

AN ACT to amend the charter of the town of Adairville, in Logan county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. The police court of the town of Adairville shall have concurrent jurisdiction with the circuit court of all violations of the Logan county prohibitory liquor law, approved March the thirteenth, 1886, and entitled "An act to prohibit the sale of spirituous, vinous or malt liquors in Logan county," and is hereby empowered to inflict the penalties prescribed in said act.

§ 2. It shall be the duty of the clerk of the board of trustees of said town, ten days before the regular municipal election, to make out a list of persons entitled to vote in said election, who have failed to pay the taxes assessed against them the previous year, and who have failed to pay the fines assessed against them after they have become due, and deliver said list, securely sealed, to the chairman of the board of trustees of said town, who shall deliver them unopened to the officers of the election after they have been sworn to hold said election ; and no person whose name is on said list shall be entitled to vote in said election, nor in any subsequent election, until all of said arrearages have been paid.

§ 3. This act to be in force from and after its passage.

Approved March 15, 1888.

CHAPTER 531.

AN ACT to amend an act, entitled "An act to empower Logan county to retire the bonds of said county, to create a sinking fund, to provide for commissioners of same, and to provide for the collection of taxes for that purpose in said county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act to empower Logan county to retire the bonds of said county, to create a sinking fund, to provide for commissioners of same, and to provide for the collection of taxes for that purpose in said county, approved April 7, 1886, be amended by adding to section one of said act the following words: *Provided*, It shall be in the discretion of the court to levy annually such a sum to create surplus as the court may deem best.

§ 2. This act to take effect from its passage.

Approved March 15, 1888

CHAPTER 532.

AN ACT to amend an act, entitled "An act to amend an act, entitled 'An act to empower Logan county to retire the bonds of said county, to create a sinking fund, to provide for commissioners of same, and to provide for the collection of taxes for that purpose in said county.'"

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act to amend an act, entitled "An act to empower Logan county to retire the bonds of said county, to create a sinking fund, to provide for commissioners of same, and to provide for the collection of taxes for that purpose in said county," approved May 18, 1886, be, and the same is hereby, amended by repealing so much of section 2 of said act as follows the word "collector," in the eighth line of

said section, and be further amended by repealing all of sections 3 and 4 of said act.

§ 2. This act to take effect from its passage.

Approved March 15, 1888.

CHAPTER 533.

AN ACT to authorize the marshal of the town of Lenoxburg to appoint a deputy.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the marshal of the town of Lenoxburg be, and is hereby, empowered and authorized to appoint a deputy to assist him in his official duties, and to attend to any duties that he is authorized by law to do. The said deputy marshal shall, before entering upon his official duties, execute a good and sufficient bond to the trustees of the said town of Lenoxburg, with one or more sufficient sureties.

§ 2. This act to take effect from its passage.

Approved March 15, 1888.

CHAPTER 536.

AN ACT to incorporate the Lynnland Female College, in Hardin county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That E. W. Elrod, E. W. White, Lula Elrod, J. G. Hansbrough and S. W. White, and their successors, be, and are hereby, created a body-politic and corporate, under the name and title of the "Board of Trustees of Lynnland Female College;" and as such shall have perpetual succession; may acquire and hold property for the benefit of the institution to the amount of twenty-five thousand dollars; may transfer real

and personal estate, sue and be sued, contract and be contracted with, in their corporate capacity; may make all rules, regulations and by-laws necessary for the transaction of business, for the maintenance and proper government of said institution not inconsistent with the laws of Kentucky.

§ 2. That the board of trustees, together with the faculty, shall have full power to confer upon the graduates of said college all or any degrees, with diploma, conferred by other corporate institutions of learning in this State.

§ 3. That the board of trustees shall have power to appoint and fix the salaries of professors and teachers; that all funds remaining each year over and above the necessary expenses and amount to pay salaries, shall be expended for the benefit of the institution.

§ 4. All previous acts relating to this institution are hereby repealed.

§ 5. This act shall take effect from its passage.

Approved March 15, 1888.

CHAPTER 538.

AN ACT to empower the Clay county court to sell and transfer the old public square and buildings thereon.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Clay county, through its commissioners, is hereby empowered to sell and make conveyances to the purchasers, in behalf of the county court, of the old public square and the buildings thereon.

§ 2. This act shall take effect from its passage.

Approved March 15, 1888.

CHAPTER 539.

AN ACT to change the jurisdiction and fix the time of holding the regular civil terms of the Bowling Green city court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That after the passage of this act the Bowling Green city court shall have no jurisdiction to hear, try or determine any action or prosecution under the criminal or penal laws of this Commonwealth, except prosecutions for offenses committed within the corporate boundary of the city of Bowling Green; nor shall said court have jurisdiction to hold an examining trial in any case where the offense is committed elsewhere than in said city.

§ 2. That said city court shall have no jurisdiction to hear, try or determine any civil action or proceeding, except actions in which the defendant or some one of the defendants resides within said city, or consents in writing, signed by him, and indorsed on the summons, for the action to be returned for trial before said city court.

§ 3. That the regular civil terms of said city court shall be held only on the third Monday in January, April, July and October: *Provided, however,* That if said court may not be able to complete the docket upon one day, it may adjourn from day to day until the business of the term is completed.

§ 4. That nothing in this act shall affect any action or prosecution begun in said city court before the adoption of this act.

§ 5. That all acts and parts of acts in conflict with this act are hereby repealed.

§ 6. That this act shall take effect and be in force from and after its passage.

Approved March 15, 1888.

CHAPTER 540.

AN ACT to amend an act, entitled "An act for the benefit of the county infirmary of Mason county, for the support of the poor of said county and work-house and house of correction therewith."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section 14 of said act as printed be, and and is hereby, amended by striking out of said section the words in lines thirteen, fourteen and fifteen, "but in no case shall said directors or said court of claims appoint one of their own number such superintendent," and insert in lieu thereof the words, "but should said directors or said court of claims appoint one of their own number as superintendent, then the member so appointed must resign his office of magistrate and as a member of said court of claims before entering upon his duties as superintendent."

§ 2. This act shall take effect from and after its passage.

Approved March 16, 1888.

CHAPTER 541.

AN ACT to amend an act, entitled "An act to incorporate the Garrard Female College," approved March 26, 1884.

WHEREAS, The Garrard Female College, at Lancaster, Kentucky, sold and conveyed to J. P. Sandifer a certain lot of ground in Lancaster, Kentucky, and a certain other lot of ground in Lancaster to John M. Logan and Lillia J. Logan, said conveyances being shown by deeds of record in the office of clerk of the Garrard county court; and whereas, some doubt has arisen as to whether said Garrard Female College had the right at the time to sell or convey by deed

real estate belonging to said Garrard Female College ; therefore, to remove all doubts upon that question,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it was the true intent and meaning of said act that said Garrard Female College had authority thereunder to sell and convey its real estate ; and that said deeds of conveyance from said Garrard Female College to said J. P. Sandifer and J. M. Logan and Lillia J. Logan are hereby ratified and confirmed as of the date of said conveyances, and are legal conveyances to all intents and purposes.

§ 2. This act shall take effect and be in force from its passage.

Approved March 15, 1888.

CHAPTER 542.

AN ACT declaring the court-house of Clark county to be, for all purposes of jurisdiction, equally within Winchester and Blue Ball precincts, in said county.

WHEREAS, The division line between the justices' precincts of Winchester and Blue Ball, in Clark county, extends through the court-house of said county ; and whereas, it is important for the convenient administration of justice that every part of said court-house building shall be held to be, within each of said precincts ; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That for all purposes of jurisdiction, and for all purposes in any way pertaining to the administration of justice in said county, said court-house building shall be taken and held to be wholly and equally within each of said precincts.

§ 2. This act to take effect from its passage.

Approved March 15, 1888.

CHAPTER 544.

AN ACT to incorporate the town of Morton's Gap, in Hopkins county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Boundary.

§ 1. That the town of Morton's Gap, in the county of Hopkins, be, and the same is hereby, incorporated with the following boundaries: Beginning at a planted stone in Main street, running north twenty-one and a half west ninety-eight poles to a stake in the north boundary line; thence north sixty-three east thirty-four poles to a sweet-gum; thence south sixty-five east one hundred and thirty-six poles to a planted stone; thence south four west one hundred and fifty-two poles to a sweet-gum and black oak; thence south thirty-one west one hundred and forty-eight poles to a walnut; thence north eighty west sixty-six poles to a white oak; thence north five west three hundred poles to a black gum; thence north sixty-three east seventy poles to sweet-gum, the beginning corner.

Trustees to control affairs, when elected and qualifications.

§ 2. That the fiscal, prudential and municipal concerns of said town, with the government and control thereof, shall be vested in a board of trustees, five in number, to be annually elected on the first Saturday in May by the qualified voters of said town: *Provided, however,* That no one shall be eligible to said office of trustee who has not resided in said town one year next before his election, and who shall not be, at the time of his election, a qualified voter for State Representative.

Name and style.

§ 3. That said trustees and their successors shall be a body-politic and corporate, and shall be known by the name and style of the Board of Trustees of the Town of Morton's Gap; and by that name shall be capable in law of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, in all courts and places; and may use a seal.

§ 4. Said trustees shall take an oath, before some officer qualified to administer it, that they will faithfully and without favor or affection to any one, discharge the duties that may devolve upon them as trustees during their continuance in office, as well as the general oath provided in the Constitution. Trustees to take oath.

§ 5. The trustees shall appoint a treasurer, who shall give bond in such penalty and with security as the trustees may approve. Shall appoint treasurer and require bond.

§ 6. The said trustees shall exercise and possess all the powers and privileges which are by the general laws of the State vested in and granted to trustees of towns. They shall have full power and authority to make all necessary by-laws, ordinances and regulations to carry into full effect the powers granted by this act, and such others as are not contrary to the Constitution and laws of the United States or of this State, for the purposes of securing the quiet and good order of said town, and the comfort and health of the citizens thereof. Powers of trustees.

§ 7. The said trustees, for the use, benefit and ornament of said town, shall have power to acquire real and personal estate, either by purchase, donation or otherwise, and shall have power to sell and convey the same, a majority of the board consenting thereto: *Provided*, That the votes for and against a proposition of a sale shall be specially entered on the records kept by the clerk. Trustees may acquire real estate.

§ 8. The said trustees may, by ordinance passed by a majority of the members elected, and the yeas and nays thereon being recorded in the record of the board, whenever the public convenience or necessity shall require it, cause any new street or alley to be opened, or an old street or alley extended or widened, and may procure the condemnation of any real estate for the purpose as follows: *Provided*, That in no case shall private property be taken for any such purpose without the written consent of the claimant, or a just and full compensation therefor be first paid in money May open new streets and alleys by condemnation or otherwise.

to said claimant. If the amount of such compensation cannot be fixed by agreement, the trustees may then proceed to condemn the same as prescribed by law, and either may appeal as now provided by law.

Proceedings
under writ.

§ 9. The trustees shall, at any time before final order in the case, have the power to dismiss their petition, which shall not prevent them from instituting the same proceeding for opening, widening or extending the same street or alley at any future period. From all final judgments of the county courts an appeal may be taken to the circuit court and Court of Appeals, as is now provided by law in cases of opening public roads.

May cause
streets and alleys
to be improved.

§ 10. The board of trustees may, from time to time, direct and require the owners of lots and parts of lots in said town, where the same fronts upon a street or alley, to cause the same to be paved or planked with sidewalks in front of their respective lots or fractions of lots, of such width, and of such material, and in such manner, and at such elevation, as the said board may deem expedient; and if the owners of such lots or fractions of lots shall fail to have such sidewalks repaired or paved within the time, and in the manner prescribed by said board, then said board may have their orders executed at their own expense, and the costs and charges thus incurred shall be paid by the person or persons who shall have failed to comply with the directions of the board, and may be recovered in the name of the board of trustees by warrant before the police judge, if the sum is fifty dollars and under, and, if over that sum, in the Hopkins circuit court; and the board of trustees shall have a lien upon the property of such person or persons for the amount of such costs and charges thus incurred by them.

May levy taxes.

§ 11. The trustees shall have power to levy an ad valorem tax, not to exceed twenty-five cents upon the one hundred dollars, upon all the taxable property in said town, exclusive of poll-tax, for municipal purposes. They shall have power to levy a poll-tax of

not exceeding two dollars upon each male inhabitant of said town of the age of twenty-one years and upwards.

§ 12. The town marshal shall, by virtue of his office, be the assessor and collector of the taxes. He shall, as assessor of taxes, after being duly sworn faithfully to perform the duties of his office, call upon the taxable persons within the limits of said town, and make out a true list of all taxable property owned by them on the tenth day of January of any year, including what they own under the equalization law, with the value thereof, and this shall be made upon the oath of the tax-payer, to be administered by the assessor; and said list shall embrace all the real and personal estate in said town taxable under the revenue laws of the State, all the males over twenty-one years of age, and personal property taxed under the equalization law; and if any person shall refuse to give in such list, he or she shall be triple taxed on the value of their property; said value to be ascertained by the oaths of any two persons resident in said town, and said triple tax to be recovered by warrant before the police judge in the name of the board of trustees. Said assessor shall be paid for his services such sum as the said trustees may order.

Marshal shall assess and collect taxes.

§ 13. The trustees of said town shall, at their regular meeting in the month of June of each year, appoint three discreet citizens of said town as a board of supervisors of tax, who, after being duly sworn faithfully to discharge the duties assigned them according to law, shall meet at such time and place as may be designated by ordinance, and examine with care the assessor's report of the taxable property returned for that year, and correct any errors of the assessor, whether in fact, or in relation to the value of the property listed; and in cases where they shall be of opinion that any property has been incorrectly valued, to fix to same its proper value; but they shall not increase the valuation made by the assessor with-

May appoint supervisors and their duties.

out summoning the owner, if a resident of the town, before them to show cause why the change should not be made. It shall be the duty of the assessor to attend the sessions of the board of supervisors, and give evidence and information concerning the business before them, upon oath, when required; and said board shall have power to compel the attendance and examination of witnesses before them, to enable them to discharge their duties. They shall keep a record of their proceedings, and correct the tax-books thereby, and shall make a full report of their acts to the board of trustees.

§ 14. For all taxes levied as hereinbefore authorized, The town to have a lien for taxes. the town of Morton's Gap shall have a lien relating back to the day when the assessment should commence, upon all real and personal estate therein, belonging to the persons or corporations owing such taxes: *Provided*, That purchasers of property owing taxes shall be liable only for taxes upon the property purchased.

§ 15. The marshal shall, as the collector of taxes, at Marshal to collect taxes, fines, &c. the May or June meeting of the board of trustees in each year, execute bond to the town, with good security, to be approved by the board of trustees, conditioned that he shall, during the next twelve months, collect, account for, and pay to the town treasurer, and to other persons entitled thereto, according to law and the ordinances of the town, all taxes and public dues; also all fines, amercements, and penalties directed or authorized by law to be collected or received by him.

§ 16. If there be no personal estate which the marshal can distrain for tax due on real estate, or if the If personal property will not pay taxes real estate may be sold. personal estate found be insufficient to pay the whole of such tax, and the owner of the land or lot shall fail to pay the same by the tenth of December of the year in which such tax is due, ten per cent. shall be added as a penalty; and the marshal shall, on the first day of some county or circuit court, at the door of the

court house of Hopkins county, proceed to sell the land and town lots, or so much thereof as may be necessary to pay the taxes thereon, together with the ten per cent. penalty above specified, and the cost and expenses of sale, to the highest bidder for cash. The time, place, and terms of sale, together with the statement of the name of the owner or description of the lot, and the amount of tax and penalty due thereon, shall, before said sale is made, be advertised at the court-house door in Madisonville and five other public places in the town of Morton's Gap.

§ 17. The marshal shall, so soon as practicable after making any sale of real estate for taxes, make a full report of his proceedings to the board of trustees, including in said report a list of the property sold, and the names of the owners of the property, names of the purchasers, amounts for which the property sold, and a description of the property; and said marshal shall also make affidavit before some justice of the peace for Hopkins county that he has complied with all the requirements of this charter and the ordinances of the town in the sale of the property set forth therein for taxes, which affidavit shall form part of the marshal's report.

Marshal to make report of sales of real estate.

§ 18. All lands and town lots sold by the marshal for taxes may be redeemed by the owner or his representatives at any time within two years from the day of sale by paying to the purchaser or his representatives the amount of purchase money, and interest thereon at the rate of ten per cent. per annum from day of sale until redeemed. The person thus redeeming shall take the receipt of the purchaser for the redemption money, and lodge the same with the town clerk, to be filed with the marshal's report of sale: *Provided*, Infants shall have two years after arriving of age to redeem their lands upon the same terms and in the same manner herein prescribed for adults.

Time in which lots may be redeemed.

§ 19. The marshal who sells town lots or lands for

Marshal to convey title to purchasers.

taxes, or his successor, must convey the title sold to the purchaser or his assignee, or his heirs or devisees, if the land is not redeemed as herein provided; and the marshal making the sale may make this deed after his term of office has expired. The deed shall be acknowledged before the Hopkins county court clerk, and be recorded in his office.

Marshal entitled to credit for tax of insolvent tax-payers.

§ 20. The marshal shall be entitled to a credit in his settlement with the town for all insolvent tax-payers and all tax-payers who shall have removed out of Hopkins county with their estates after they were assessed for tax, and before a sufficient time to collect same had elapsed.

Additional powers of trustees.

§ 21. The board of trustees shall have power within the limits of said town, in addition to the other powers granted by this charter—

1. To make regulations to prevent the introduction and spreading of infectious diseases, and to establish pest-houses, and prescribe regulations for their government, and to make all rules to secure the general health of the inhabitants of the town.

2. To license, tax and regulate auctioneers and pawnbrokers, and tax or lay duties on the sale of goods at auction.

3. To regulate and license shop-keepers, druggists, grocers and keepers of ordinaries or victualing houses.

May fix license tax, and penalty for failing to obtain same.

§ 22. The said trustees shall prescribe, by ordinance, the amount of tax for any license authorized by this charter, and not hereinbefore fixed, any sum they may deem proper, in their discretion; and said board may have power and authority to prescribe, by ordinance, such penalties as they may deem proper, in their discretion, against those who may fail to obtain a license in any case wherein a license is required by this charter, not exceeding a fine of one hundred dollars.

May erect lock-up.

§ 23. The board of trustees shall have the power to erect a lock-up or calaboose for the use of said town.

§ 24. The first general election under this charter

shall be held on the first Saturday in May, 1888, at First general election. which time all the officers to be elected by the qualified voters of the town shall be elected, and shall hold their offices for the term of one year, and until their successors are elected and qualified, except the police judge, who shall hold his office for the term of four years, and until his successor is elected and qualified.

§ 25. The jurisdiction of the police judge in civil Jurisdiction of the police judge. actions and proceedings shall be concurrent with that of a justice of the peace in the limits of said town for a violation of the ordinances of said town, and in all felonies and misdemeanors, his jurisdiction shall be as prescribed by the Criminal Code of Practice.

§ 26. The police court shall be a court of record, Police court to be a court of record. and the judge thereof shall be his own clerk, and certified copies of the records of said court, over the signature of the judge, shall be evidence in any court in this Commonwealth. All fines and forfeitures for violations of the by-laws or ordinances of said town shall be paid into the town treasury.

§ 27. That the police court shall have original and Jurisdiction of the police court in civil cases. concurrent jurisdiction with the justices of the peace of Hopkins county, in the justices' district in which the town of Morton's Gap is situate, in all civil cases and proceedings; and the time of holding said court for the transaction of civil business shall be fixed by the Hopkins county court, as is done in the case of justices' courts.

§ 28. The fees of said judge, whether acting as Fees of police judge. judge, clerk or otherwise, shall be the same as are now, or may be hereafter, given by law to officers performing like services, and fees and cost shall be taxed in cases in said court to the same extent, in the same way, and under the same regulations, as in courts having similar jurisdiction.

§ 29. It shall be the duty of the marshal to attend Duties and powers of the marshal. all sessions of the police court, and to attend to the procuring of evidence in cases in which the town or the board of trustees is a party, within the limits of

the town, in all matters of a criminal nature arising under the by-laws or ordinances of said town, or the laws of this Commonwealth. He shall possess the same powers as constables; he shall execute all process, civil or criminal, issued and directed to him by the chairman of the board of trustees, the board of trustees, the police judge, the presiding judge of the Hopkins county court, or any justice of the peace. He shall possess the same powers and authority of a constable under the laws of this Commonwealth; and his powers for discharging his duties shall be co-extensive with Hopkins county. He shall be entitled to the same fees allowed by law to sheriffs and constables for similar services, to be collected in the same manner; and shall be liable, upon his official bond, in the same cases and to the same extent, to be prosecuted in the same manner, as sheriffs and constables are; he shall perform such other duties, not inconsistent with this act, as the board of trustees may direct by ordinance.

Fees of marshal.

Police judge and marshal to give bond.

§ 30. That the police judge and marshal shall severally, before they enter upon the duties of their respective offices, execute a covenant, payable to the Commonwealth of Kentucky, conditioned that they shall faithfully execute the duties of their offices, and pay over to such persons as may be entitled to the same all money or other property that may come to their hands as such officers respectively; which bonds, with the approval of the trustees certified thereon by the clerk, shall be filed and carefully kept in the office of the clerk of Hopkins county court, and shall also take the oath of office required by the Constitution.

Any one injured may bring suit on bond.

§ 31. Any person injured by a breach of either of said covenants may, in any court having jurisdiction, prosecute suit or motion against said officer and his sureties in the manner now prescribed by law for sheriffs and constables.

Qualifications of voters.

§ 32. All male persons who are citizens of said town, over the age of twenty-one years, and entitled to

vote for Representative, shall be entitled to vote for trustees and the other officers hereinbefore named : *Provided, however,* Before any person shall be entitled to vote, he must have paid all the taxes and fines which may be due from him to said town.

§ 33. All vacancies that may occur after an election, Vacancies how filled. in either the office of trustee, police judge or town marshal, may be filled by a majority of the board in office ; and the person thus appointed shall remain in office until the next succeeding annual election.

§ 34. All elections for officers under this act shall be conducted by the clerk of the board, whose duty it Elections how conducted, and what notice to be given. shall be to give one week's written notice, posted at three public places in said town ; he shall, after each election, give to each officer a certificate of his election, who shall thereupon take the oaths prescribed by this act.

§ 35. R. S. Dulin, J. W. Lovan, M. Cain, Benjamin Davis and James Coil are constituted trustees of said town, and authorized to act as such until their successors are elected and qualified according to law ; and D. M. Lovan is hereby authorized to act as police judge of said town, after being duly commissioned according to law, until his successor be duly elected and qualified ; and Gabriel Stokes shall act as marshal of said town, after qualification, until his successor is duly elected and qualified.

§ 36. This act shall take effect from and after the day of its passage.

Approved March 15, 1888.

CHAPTER 545.

AN ACT for the benefit of Carroll county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Carroll county court is hereby authorized to levy and have collected an ad valorem tax, not

exceeding ten cents on each one hundred dollars' worth of taxable property in said county, for the purpose of paying the present indebtedness of said county, and to build or repair bridges and culverts on the various roads in said county in the future. Said tax may be levied at any time before the first of August, 1888, for the year 1888, and the court of claims for said county may levy said tax whenever thought necessary thereafter.

§ 2. The sheriff of said county shall collect said tax when levied, and pay the same to the treasurer of said county on or before the first of December of each year, for which he will receive four per cent. on the amount collected as compensation for collecting the same. Said sheriff and his sureties on the sheriff's county levy bond shall be liable for the collection and payment of said taxes as aforesaid.

§ 3. This act shall take effect from and after its passage.

Approved March 15, 1888.

CHAPTER 546.

AN ACT to amend an act, entitled "An act for the benefit of Taylor county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That chapter 144, section 2, of Acts of 1885-6, approved March 8, 1886, be amended by striking out the following words: "On the first Monday in October in each year," and insert in lieu thereof the following words: "At the regular sittings of the court of claims for said county."

§ 2. That any levies heretofore made by the said court of claims for Taylor county, under said chapter 144, which, by oversight of said court, was not made on the said first Monday in October as prescribed in

said section 2, to which this is an amendment, shall, and is hereby, made legal and binding as if it was made on the said first Monday of October.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 15, 1888.

CHAPTER 547.

AN ACT authorizing the Owen county court to issue and sell bonds to pay off its indebtedness, and to issue bonds to refund its outstanding bonded indebtedness, and to provide for the payment thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Owen county court be, and it is hereby, authorized to issue the bonds of said county in any sum not exceeding twenty thousand dollars, to pay off its present floating indebtedness for turnpike and bridge purposes, and in any additional sum, not exceeding eighty thousand dollars, for the purpose of refunding the present bonded indebtedness of said county. No bond is to be for a less sum than one hundred dollars.

§ 2. Said bonds shall bear interest at a rate not exceeding six per centum per annum, and shall be due and payable in fifteen years, but redeemable at any time in the pleasure of the county court after eight years from the issual of any of said bonds.

§ 3. They shall be signed by the county judge and attested by the county clerk of said county, and countersigned by the county treasurer of said county, and stamped with the seal of the court. They shall be made payable to bearer and pass by delivery, and the interest thereon shall be paid semi-annually.

§ 4. Said bonds shall be disposed of by said county court for the purpose of paying off the present indebtedness of the county not already bonded, and bonds may be issued under this act and substituted

for bonds heretofore issued, bearing a greater rate of interest, but the amount of bonds to be limited, as provided in section 1 of this act.

§ 5. It shall be the duty of the county court judge and county treasurer to regulate and sell said bonds. The date, amount, and when due of each bond shall be entered by them upon a register kept by the county treasurer for that purpose; and the proceeds of said bonds shall be paid to the county treasurer, and be by him applied to the payment of the said indebtedness, and he shall be responsible upon his bond for the faithful application of such moneys.

§ 6. It shall be the duty of the county court to provide for the payment of the principal and interest of said bonds, and is authorized to levy an ad valorem tax for not more than fifty cents on each one hundred dollars' worth of taxable property in the county to enable it to comply with the provisions of this act; but the ad valorem tax in said county shall not at any time exceed the said sum of fifty cents on each one hundred dollars' worth of taxable property in any one year.

§ 7. Said tax shall be collected in the same manner and under the same liability that other county taxes are collected, and shall pay the same to the order of the county court.

§ 8. The county court shall have power to make all orders necessary to carrying into execution the provisions of this act.

§ 9. This act shall take effect and be in force from and after its passage.

Approved March 15, 1888.

CHAPTER 548.

AN ACT to amend the charter of the city of Ludlow.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The school board of the city of Ludlow, in Kenton county, shall have full and exclusive control of all the school money and funds now belonging to, or that may hereafter in anywise come to belong or appertain to, the common school fund or to the common schools of said city.

§ 2. The treasurer of the city of Ludlow shall be *ex officio* the treasurer of the school board, shall give bond with two sufficient sureties for double the largest amount of money which will pass through his hands in one year, which bond must be approved by the school board; he shall submit to the school board of said city a statement of all receipts and expenditures of money belonging to the school fund, and showing the balance remaining to the credit of said fund once in each month, and at such other times as said school board may require; and said treasurer shall pay all certificates of indebtedness issued by said school board immediately upon presentation.

§ 3. A majority of all the members of said school board shall constitute a quorum to transact business. The expenditure of money, the filling of vacancies in said board, and the election of teachers or other employees, shall require the concurrence of a majority of all the members of said board; in the transaction of all other business, a majority of the members present shall concur, unless otherwise ordered by said board.

§ 4. If any member elected to said school board shall fail to qualify within thirty days after the beginning of his term of office, his seat may be declared vacant by a two-third vote of the qualified members.

§ 5. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 6. This act shall take effect from and after its passage.

Approved March 15, 1888.

CHAPTER 549.

AN ACT for the benefit of district No. 114, known as Green Hill Seminary, Barren county.

WHEREAS, There being a greater number of pupil children of school age living in said district No. 114, known as Green Hill Seminary, Barren county, than the present law permits money to be drawn upon, and they being convenient enough to attend the school-house in said district, more so than to adjoining districts; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all the white pupil children of said district of school age, at the proper time, be reported in the census report, and that the district draw the public school fund each year for all children properly reported, as in other districts where the number does not exceed the requirement of the law.

§ 2. The above section first shall first apply to the census taken in April, 1888.

§ 3. The board of trustees-elect of the common school shall also be the trustees of the said Green Hill Seminary, district No. 114, and they shall have power and authority to appoint a principal or president of the school, and, with the advice of said principal, such other teachers as may be necessary to instruct the pupils of said school and seminary in the arts and sciences, and in all necessary and useful branches of a thorough and liberal education; the object, aim and design being not only a common school under the

general laws of this Commonwealth for the education of all its white children within the school age residing in said district, but also to enable the trustees and teachers thereof to raise the standard of education, and to teach all persons or children that may attend said school the higher branches of education not required by the common school law of the State to be taught in schools exclusively under and regulated by said school law.

§ 4. The trustees of said school and seminary, together with the principal teacher thereof, shall have power and authority to regulate the course of studies, including all common school branches, and grade the school children in departments and classes as to them may seem best; and may also confer upon the graduates of said school and seminary such diplomas, honors and degrees, as evidence of scholarship, as are usual in the high schools and colleges in this Commonwealth.

§ 5. Nothing in sections 2, 3 and 4 shall, in any way, interfere with the regulations of the common school as prescribed by the common school law governing the same.

§ 6. This act shall take effect and be in force from and after its passage.

Approved March 15, 1888.

CHAPTER 550.

AN ACT to amend an act, entitled "An act to incorporate the town of Hardyville, in Hart county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to establish the town of Hardyville, in Hart county, Kentucky,," approved March 21st, 1861, the same re-enacted and amended March 10, 1880, be, and the same is hereby, re-enacted and amended as follows, viz: The corporate

limits of said town shall hereafter be as follows: Beginning at Jesse Russell's, including him; thence straight line to J. T. Burks', including him; thence to J. R. G. Burks', including him; thence to Stokes Baird's, Jr., on top of the knob, including him; thence to A. S. Baird's, including him; thence to L. F. Mansfield's, including him; thence to southwest corner of Thos. Riordan's field adjoining J. J. White's; thence to R. W. Boyd's residence, including it; thence to A. L. King's, including him; thence to J. D. Smith's, including him; thence to J. S. Harper's residence, including it; thence to Mrs. Susan Hunter's, including her; thence straight line to the beginning.

§ 2. L. P. Bryant, J. J. White and S. M. Durham are hereby appointed trustees of said town, and they and their successors shall have all the privileges, rights and powers as is provided for trustees of said town in the fifth section of the act to which this is an amendment.

§ 3. That J. W. Wood is appointed police judge of said town, who, after qualifying according to law, and executing the required bond, shall act as police judge of said town until the next regular election of officers of said town, and he and his successors shall be under the same jurisdiction as is provided for same in section three of amendment approved March 10th, 1880.

§ 4. That Sam. R. Bryant is appointed town marshal of said town, and after qualifying according to law, and making the required bond, shall hold the office of town marshal until the next regular election of officers of said town; and he and his successors shall have the same rights and privileges, and be under the same responsibilities, as is provided in section four of amendments approved March 10th, 1880.

§ 5. All acts and parts of acts in conflict with this act are hereby repealed, so far as they may conflict with this act.

§ 6. This act shall take effect from date of its passage.

Approved March 15, 1888.

CHAPTER 551.

AN ACT to incorporate the Louisville Democratic Club.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That B. F. Camp, Thomas H. Sherley, A. S. Willis, John T. Gathright, W. B. Hoke, F. Hagan, Lyttleton Cooke, Shackelford Miller, C. G. Hulsewede, E. D. Briscoe and Joseph B. Reed, their associates, successors and assigns, be, and they are hereby, created a body-politic and corporate, under the name and style of the Louisville Democratic Club ; and by that name shall have perpetual succession, and power to contract and be contracted with, sue and be sued, and do business generally.

§ 2. The capital stock of said club shall not exceed one hundred thousand dollars, divided into shares of ten dollars each, and the said stock shall be held by members only ; and upon the death, resignation or expulsion of any member, the stock held by him shall revert to the club.

§ 3. The said club shall be located in the city of Louisville, Kentucky, and shall have power, and is hereby authorized, to establish, furnish and maintain a suitable club-house for the use and benefit of its members, and for the purpose of social enjoyment, the advancement of science of political economy, and the propagation of the principles of Democracy, and the promotion of social and friendly relations among its members ; and for that purpose may purchase, build and rent suitable land and buildings in said city ; and the said club may take and hold, by gift, purchase, contract or devise, personal and real estate to the value of one hundred thousand dollars, which shall be used for the benefit of the club.

§ 4. The club may be organized as soon as five thousand dollars of its stock is subscribed and paid for, by the appointment of a president, and such other offi-

cers as may be deemed necessary. Its members may make such by-laws, rules and regulations, as it may deem proper, from time to time, for the government and management of the club; and it may, by its by-laws, prescribe the duties and qualifications of its members, and the conditions upon which persons may become and remain members of the club.

§ 5. This act shall take effect from and after its passage.

Approved March 16, 1888.

CHAPTER 552.

AN ACT to incorporate the Corinth Odd Fellows' Hall Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Charles W. Hutcherson, A. N. Shadd, N. B. McClain, Henry Jones, J. W. Montgomery and J. K. Hutchinson, and their successors, be, and they are hereby, created a body-corporate and politic, by the name of "Corinth Odd Fellows' Hall Company," with all the authority and power of corporations, for the purposes hereinafter mentioned.

§ 2. The corporation aforesaid is hereby authorized and empowered to purchase and hold lands in fee-simple and by lease, and to erect thereon such buildings and edifices as they may think proper, and to rent and lease the same, or any part thereof, for such term or terms, and at such price or prices, as they may think proper.

§ 3. The capital stock of said company shall not exceed ten thousand (\$10,000) dollars, and shall be divided into shares of not less than five nor more than ten dollars, and may be issued and transferred in such manner as the board of directors of said corporation may direct.

§ 4. The affairs of said company shall be managed by six directors, one of whom shall be elected presi-

dent by the other directors, and all of whom shall be stockholders in said corporation. The first board of directors shall consist of Charles W. Hutcherson, A. N. Shadd, N. B. McLain, Henry Jones, James W. Montgomery and J. K. Hutcherson, who shall continue in office until the first Monday in January, 1889, or until their successors shall be elected by a majority in interest of the stockholders of said corporation. Each succeeding board of directors of said corporation shall continue in office one year, or until their successors are elected and qualify. If any of the above-named directors shall decline or refuse to act, a majority of the others shall fill the vacancy by appointing some one else. The board shall have power to adopt such rules and by-laws for the government of the corporation and management of its affairs and business as they may deem proper, not inconsistent with the Constitution and laws of the State. The said corporators may open books of subscription and receive subscription to the capital stock of said company herein incorporated; and books of subscription may be opened and subscriptions received at such places, and by such agent or agents, as the board may direct, and upon such notice thereof as any four of said corporators may deem right and proper.

§ 5. The said Corinth Odd Fellows' Hall Company, of Grant county, Kentucky, shall not own, in fee-simple or by lease, lands exceeding in value ten thousand (\$10,000) dollars, the capital stock of said company. Whenever one thousand (\$1,000) dollars of the capital stock of said company is subscribed, and thirty per cent. thereof is paid in, they shall have the power to pledge or mortgage their property to secure the payment of any debt or debts they may incur upon the account of the corporation. The said corporation is hereby authorized and empowered to borrow money at any rate of interest, not exceeding ten per cent. per annum; and when they shall borrow money at any rate of interest not exceeding ten per

cent., it shall be binding : *Provided*, It shall be specified in the contract what the rate of interest shall be.

§ 6. The board of directors shall be elected annually upon the first Monday in January, and upon such notice as the board of directors may prescribe. They shall have power to fill all vacancies in their own body. They may make such calls of payment of stock subscribed as they may deem advisable, not exceeding twenty per cent. for every thirty days. They may keep their office at such place as they may deem to the interest of the company. They may appoint a secretary, treasurer, and such officers and agents as they may think necessary, with such compensation as the board may fix ; and may have a corporate seal, and may alter or change same from time to time as they deem necessary.

§ 7. This act shall be in force from and after its passage.

Approved March 15, 1888.

CHAPTER 553.

AN ACT to incorporate the town of Granard, in Fayette county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Incorporated. Limits.	§ 1. That the town of Granard, in the county of Fayette, shall be, and the same is hereby, incorporated, declared and established within the following limits and bounds, to wit : Beginning at a point in the centre of the Russell or Cynthiana Turnpike Road, corner to the toll-house property of the first toll-gate on said road north of Lexington ; thence with the line of the toll-gate grounds south seventy-two degrees twenty-seven minutes, west one hundred and fifty-four feet, to a corner to the same grounds and those of Chinn, formerly Lawson ; thence with Chinn's line north sixty-seven degrees and thirty-three minutes west, nine hundred and sixty feet, to
-------------------------------------	--

a corner in Chinn's line, and corner to the Eastern Lunatic Asylum farm; thence with the line of that farm south forty-seven degrees fifteen minutes west, twelve hundred and fifty feet, to a corner to same; thence with their line and that of Price and others, south forty-four degrees and six one-hundredth minutes, east seventeen hundred and sixty-eight feet, to a stake, corner to the lands of Mulligan; thence with that line south forty-two degrees forty minutes east, six hundred and forty-seven feet, to a point in the centre of the said Russell or Cynthiana Turnpike Road, and corner to said last named property; thence with the centre of said turnpike north three degrees forty-five minutes, east thirteen hundred and thirty-seven and one-half feet, to a point in the centre of the pike; thence again with the centre of the road north, eleven degrees fifty-five minutes, east nine hundred and fifty-nine feet to the beginning.

§ 2. That D. Mulligan, Jas. McCoy, Paul Conlon, ^{Incorporators.} and Jas. H. Mulligan, and Louis H. Mulligan, their associates, successors and assigns, are hereby appointed to act as the first board of trustees of said town, who shall continue in office until their successors are elected and qualified, with power to fill any vacancy that may occur in their number. Said town of Granard shall be a body-corporate and politic, and in its name may contract and be contracted with, sue and be sued, plead and be impleaded, and have all the rights and powers necessary to execute the purposes for which this corporation is created.

§ 3. An election shall be held on the first Monday ^{Election.} of June, 1888, and on the same day every year thereafter, at some convenient place in said town, for the purpose of electing five trustees of said town, who shall hold their office for one year, and until their successors are elected and qualified; and at said election the qualified voters of said town are entitled to vote, subject to the same rules and regulations now existing or hereafter made by law. The trustees so ^{Trustees.}

elected shall, before they enter upon the duties of their offices, take an oath truly and faithfully to perform their duties as trustees. If, for any cause, an election is not held on the day fixed therefor, the trustees in office shall continue to serve until their successors are elected. Said trustees and their successors in office shall have the power to enact all by-laws and ordinances necessary to the improvement, regulation, well-being, and advancement of the interests of said town: *Provided*, The same be not inconsistent with the Constitution or laws of the United States or of this State. They may elect a president of the board of trustees; he have jurisdiction concurrent with justices of the peace of Fayette county, and to try all misdemeanors committed in the town, or violations of town ordinances or by-laws. Practice in his court and process therefrom shall be controlled by the law applicable to justices of the peace of Fayette county; and he may charge the same fees and have the same rights and be under the same liabilities of such justices. They may appoint or elect a secretary, and appoint or elect an assessor, a collector, and such other officers or agents as they deem necessary to carry out the powers or duties imposed on them by law, and require of them such bonds as they see fit.

President

Powers.

Officers.

Schools, streets,
etc.

§ 4. They are hereby empowered and authorized to receive by gift, donation, or to acquire by purchase or condemnation, any lot or lots of ground in said town for school purposes, or making streets or sidewalks, and may contract for the building or purchase of school-houses, making roads, streets, sidewalks, alleys, digging and walling and making wells or pumps, buildings, sewers and cisterns, laying gas or water-pipes, and contracting for a supply of water or gas, and for buying proper fire engines, and keeping in repair all the town's improvements and property.

Taxes.

§ 5. The trustees shall have power to levy and collect an annual tax upon all the land in said town, not

to exceed fifty cents upon the one hundred dollars of the cash value of the said land, for the uses and purposes of said town. And said town shall not levy or collect any other tax, but may charge for the purposes hereinabove stated a license upon any grocery, store or other place of sale of any articles by retail, not to exceed fifty cents on the one hundred dollars on the gross amount of sales of such grocery, store or other place of sale by the year; and may fine or prohibit any such place not licensed by them.

§ 6. The collector shall have the power to collect, Collector. by distress or otherwise, the taxes or license levied or fixed on the property within said town. Before entering upon his duties, said collector shall execute a bond to said trustees, in such penalty as they shall direct, with surety, to be approved by them, and payable to them, for the faithful collection of said taxes, and the payment of same to said trustees or their agent; and for breach of the conditions of said bond, said trustees shall have power and authority to sue said collector and his sureties, and enforce payment thereof.

§ 7. Every inhabitant of said town over twenty-one Voters. years of age, who shall have resided two years in the State, or one year in Fayette county, and sixty days in this town next preceding the election, may be a voter at any town election. The trustees shall appoint judges, sheriffs and clerks of elections in said town, and be governed therein by the laws in regard to such duties, when imposed upon the county court by law in regard to elections in the county.

§ 8. That the said town of Granard shall not be incorporated, added to, or in any way connected with Shall not be added to. any other municipality, city or town, or with the government of any such, without the consent of a majority of the freeholders of said town, expressed at an election or vote taken for the purpose of ascertaining their wishes upon that question; and parties hereafter investing money in real estate in said town

Investments.

shall be deemed to have made such investments upon the faith of the provisions of this section, and shall have a right to demand the enforcement of the same.

§ 9. This act shall take effect and be in force from and after its passage.

Approved March 15, 1888.

CHAPTER 554.

AN ACT for the benefit of Alex. Milby, of Green county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the office of county surveyor and that of deputy county court clerk are not incompatible.

§ 2. That this act shall apply only to Green county.

§ 3. This act shall take effect from its passage.

Approved March 15, 1888.

CHAPTER 557.

AN ACT to amend an act approved on the second day of March, 1888, entitled "An act to amend an act, entitled 'An act to amend and reduce into one the various acts in regard to Bardstown.'"

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act approved March 2, 1888, entitled "An act to amend an act, entitled 'An act to amend and reduce into one the various acts in regard to Bardstown,'" be amended by adding to the second last section of the said act, which was approved on the second day of March, 1888, the following: *Provided*, That all taxes mentioned in the act to which this is an amendment, shall be paid on or before the twentieth day of March, 1888, or else the one offering to vote shall not be entitled to vote in any municipal election which may be held during the year 1888; and

after the year 1888 said taxes shall be paid on or before March first, as is provided in the act to which this is an amendment.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 16, 1888.

CHAPTER 558.

AN ACT to incorporate the now existing Louisville Gas Company, and to grant it a new charter.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the now existing Louisville Gas Company ^{Incorporating and term.} is hereby chartered and incorporated for the full term of thirty years, from and after the first day of January, 1889, and the following charter is granted to said company, to take effect and be in force upon and after said first day of January, 1889, and continue in full force and effect for the term of thirty (30) years, as hereinafter provided.

§ 2. That said company is hereby declared to be a ^{Corporate powers.} body-corporate and politic, with perpetual succession, by the name of the "Louisville Gas Company," and by that name said corporation, its assigns and successors, shall be capable in law of contracting and being contracted with, suing and being sued, defending and being defended, in all courts and places, and in all matters whatsoever, as natural persons; and may have and use a common seal, and break, alter and change the same at pleasure; may from time to time ordain and put in execution such by-laws, rules and regulations, for the government and conduct of its affairs, and the efficient and safe management thereof, as may be deemed expedient, proper or necessary, not inconsistent with the Constitution and laws of the United States and of this State; and said company may take,

purchase, hold, enjoy, mortgage, sell, lease, assign, transfer and convey such property and property interests, real, personal and mixed, legal and equitable, stock in other gas companies, buildings, machinery, patents, apparatus and other things as may be deemed to be proper or necessary to the successful prosecution of its business of making, storing, distributing and vending gas in the city of Louisville and its suburbs: *Provided, however,* That nothing in this charter shall be construed to authorize said company to dispose of its franchises or to vest the control thereof in any other person, company or corporation whatever. And said company shall have the power and authority, whenever the board of directors thereof shall consider the interest of the company requires it, to issue bonds in any amount not exceeding two hundred and fifty thousand dollars, to bear interest at any rate not exceeding six per cent. per annum, payable semi-annually; may attach to said bonds coupons for such annual or semi-annual interest, and may secure the payment of said bonds and interest by executing a mortgage upon its property or upon such part thereof as may be designated in such mortgage or mortgages: *Provided, however,* That the proceeds of the sale of said bonds shall be applied only to permanent improvements, additions or extensions upon the works of said company.

Nature of business.

§ 3. Said corporation shall have full power and authority to manufacture and vend gas to be made from any and all of the substances, or a combination thereof, from which inflammable gas is now or may hereafter be obtained.

May succeed to all rights and franchises, property, &c., of old company.

§ 4. That said corporation shall succeed to and become the owner of the property, securities and effects of the now existing Louisville Gas Company; and to enable said corporation to construct, continue and extend its gas works, and capacity to manufacture, distribute and deliver gas in the present or future limits of the city of Louisville and its suburbs, it is hereby author-

ized to continue the use of its buildings, works, apparatus, machinery, mains, service pipes, and other property now employed, or which may be employed, in manufacturing, distributing, storing and delivering gas prior to January 1st, 1889; and from and after that time may own and extend the mains, conductors, service pipes and works into and through all the streets, alleys, lanes, parks, roads and ways of said city and its suburbs, and for that purpose, and to that end, said company may open and take up the carriage-ways, sidewalks and curbings, and shall replace the same in as good condition as before, within a reasonable time and under the supervision of the city engineer, and be liable to said city and any person for any damage which may arise therefrom, and for any unreasonable delay in replacing the same. But pipes shall not be laid through fire cisterns, nor within three feet of the outer walls thereof.

§ 5. The capital stock of said company shall not exceed four millions of dollars, divided into shares of one hundred dollars each, and shall consist, first, of the stock of the now existing Louisville Gas Company, as the same was on March 1st, 1888, at its par value, for which certificates shall be issued; second, the company hereby created may sell at not less than par, and issue its stock for the purpose of making permanent improvements, additions or extensions to its works, and for no other purpose, to the extent of the capital stock hereby authorized; but no sale of such stock shall be made except at public auction, nor until the same shall have been advertised in one of the daily newspapers of the city of Louisville for at least thirty days prior to the time of such sale. Should such stock be sold above its par value, the excess shall not be capitalized or divided among the stockholders, but be employed in the first extensions made by the company hereby created after the sale of said stock. No one individual, company or corporation, except the city of Louisville, shall own or

hold more than one thousand shares of the capital stock, either directly or indirectly; and if any individual, company or corporation, other than the city of Louisville, shall own or hold more, the excess over one thousand shares so held shall be forfeited to the State of Kentucky: *Provided, however,* That any one acquiring shares in excess of one thousand by operation of law or devise may have a reasonable time within which to dispose of the excess. The stock of said company shall be personal estate, and shall be transferable on the books of the company in such a manner as may be prescribed by the by-laws; but for debts and demands owing or contracted by any stockholder to the company for stock or otherwise, said corporation shall have a lien on the stock. The stockholders shall be entitled to one vote for each share of stock owned and held by them.

Statement of
condition when
and how to be
made.

§ 6. The said corporation shall, on the second Monday in January and July of each year, make a complete statement of its condition as of the thirty-first day of December, and the thirtieth day of June respectively, immediately preceding, which shall be so kept and preserved in the office of the company as to be accessible to the stockholders at all reasonable business hours; and said company shall furnish to the general council of the city of Louisville, on the thirty-first day of December of each year, an annual report of its operation and condition, in full and complete details; and said annual report shall show the net profits, and the per cent. thereof on the capital stock for the current year; and the correctness of said report shall be sworn to by the secretary of said company. Said annual reports shall be published in the annual reports of the city of Louisville. For failure to furnish as aforesaid any one of said annual reports, said company shall forfeit to said city, and lose the right to make any charge against said city for the public lights during the continuance of such failure; and the board of directors may, on said

second Mondays in January and July of each year respectively, or at such other time or times as they may designate, declare and make dividends of such portions of the profits earned by the company as they may deem advisable: *Provided, however,* That neither the profits nor the dividends shall exceed eight per cent. per annum upon the capital stock.

§ 7. The stockholders of the corporation other than the city of Louisville shall elect five directors of the company, and the general council of the city of Louisville shall elect four others, and the nine directors so chosen shall constitute a board of directors of said company, and they shall choose one of their number to be president of the board; and said board of directors shall be intrusted with the real and personal and other estate and property interest of said company, and with the administration, conduct and management of all its affairs. Each director must be a stockholder in his own right of at least ten shares of the capital stock of said company for at least thirty days prior to the time of his election, but no director elected to represent the city of Louisville shall own more than one hundred shares of the capital stock. The election of directors of said company, to be chosen by the stockholders thereof, other than the city of Louisville, shall be held annually on the first Monday in July, during the continuance of this charter, of which election ten days' notice shall be given in one or more of the newspapers published in Louisville, Kentucky; and the general council of said city shall, at its first regular meeting after the first Monday in July of each year during the continuance of this charter, elect the said four directors to serve in said company on the part of said city. All of said directors shall serve for one year, and until their successors are duly chosen and qualified, and shall be *bona fide* residents of Louisville at the time of their election. Death, ceasing to hold as many as ten shares of said capital stock,

Board of directors how constituted and duties.

permanent removal from the city, or other inability to perform the duties of a director of said company, shall create a vacancy in the board of directors, which shall, in case such a vacancy occurs amongst the number of directors chosen by the stockholders other than the city of Louisville, be filled by the remaining directors of that class, and in case the vacancy occurs amongst the number of directors chosen by said general council, it shall be filled by that body : *Provided*, That the board of directors of the now existing Louisville Gas Company, who shall be in office at the time the charter of said company expires, shall be, and they are hereby, empowered to act as the board of directors of the corporation to which this charter is granted, until the first regular election herein provided for ; a list of stockholders, eligible to be chosen as directors, shall be transmitted by the company to the general council twenty days before the time for the election of city directors of said company. If for any cause an election of directors of said company shall not be held at the time appointed by this act for such elections, it shall be lawful to hold such elections within the ninety days succeeding. But ten days' notice must be given by the company of the time for the election of the directors, who are to be elected by the stockholders, and by the mayor for the election by the council of the city directors. Such notice is to be given by at least five insertions in some daily newspaper published in the city of Louisville.

Agents and
servants.

§ 8. Said corporation shall have full power and authority to employ such agents and servants as the business of the company may require, and to contract with them for their services ; and to require of them such bonds and security for the faithful performance of the duties and business which may be assigned to them, from time to time, as may be deemed necessary and proper.

§ 9. In the month of January, 1889, and at the beginning of each new mayoralty term thereafter, the

mayor of the city of Louisville, with the approval of the general council of said city, shall appoint a competent gas expert, who shall own no stock, and not be interested, directly or indirectly, in said company, as the city gas inspector, to serve until the beginning of the next succeeding mayoralty term, unless removed from office as hereinafter provided: Before entering into office said city gas inspector shall give bond in the sum of five thousand dollars for the faithful performance of his duties, on which any one injured by the official act of said inspector may recover. Said inspector shall have his office in the city hall of said city, accessible to gas consumers and citizens, and shall be paid by said city a salary of three thousand dollars per annum, payable as provided by salary ordinance in like manner with the salaries of other officers and employes of said city. The office hours of said inspector shall be from 9 A. M. to 3 P. M. It shall be the duty of said inspector to examine into any alleged errors in the gas bills of consumers, private or public, when called upon by the consumer to do so, and to correct the same when erroneous; to examine into the monthly gas bills rendered against said city, and correct the same; to make daily tests of the gas furnished by said company as to candle power and quality; to serve on said company written notice of any defect or failure in the power or quality of the gas, as provided by this charter, on each day on which said tests shall show such defect or failure; to make a certified report of such defect or failure, the duration thereof, and such damages as may have been sustained according to the rate per diem as hereinafter fixed, with a certificate that written notices as required were served on said company, to the general council of said city, within thirty days after the beginning of such defect or failure, and from time to time thereafter in the event such defect or failure continues or recurs. It shall be the duty of said inspector to furnish said company an annual time schedule, prepared

Gas expert and
inspector and his
duties.

on the basis of four thousand hours' burning per annum, by which the street lamps shall be lighted and extinguished ; to report to said company any failure or neglect to light or extinguish the lamps in accordance therewith, or to clean, repair or keep in order said lamps, and to see that any such neglect or failure is remedied. It shall be the duty of said inspector to examine into the annual reports furnished by said company to said general council, and to advise the mayor if the same are unsatisfactory. It is further provided that said inspector shall have a general supervision over all the meters of said company and the connecting pipes of the public lamps, and shall examine and seal said meters before they are put in use, and condemn or reject said pipes if insufficient to supply the gas required by a five-foot burner. Said inspector is hereby given the authority and power to do all such acts, and have all such access to the property of said company as may be necessary to the faithful discharge of the duties herein imposed upon him. For any failure or neglect on the part of said inspector to perform faithfully the duties of his office, he may be removed by the mayor of said city with the approval of the general council. Said company shall furnish to all consumers, private and public, gas of an illuminating power of not less than sixteen candles, English sperm, and of the best quality of said power, the same to be tested by the city gas inspector ; and said company shall fully and freely permit said city gas inspector to test and inspect the gas, gas-meters and pressure at any and all times ; and for any defect in the power or quality of gas furnished consumers below or inferior to the standard of power or quality prescribed herein, or any failure of said company to furnish gas of said standard for five consecutive days, then said company shall immediately pay to said city two hundred and fifty dollars for such fifth day, and a like amount for each succeeding day until the gas is of said standard, on con-

dition that written notice is given to said company by said city gas inspector of such defect or failure on each day on which complaint shall be made: *Provided, however,* That if said defect or failure be the result of unavoidable accident or casualty, said company shall not be liable or make any such payment if it shall repair such injury or accident with reasonable dispatch. And upon such defect or failure as to the standard of power or quality of gas furnished to consumers, private or public, then, upon the certified report thereof to the general council of said city by the city gas inspector, a sufficient amount to compensate therefor as damages, in accordance with the rate per diem, as herein fixed, shall be withheld by said city from any bill or claim which said company may then have against said city; but if such amount is not so withheld, the liability of said company shall continue: *Provided, however,* That before the said inspector shall correct any bill of a private consumer or of the city, he shall make inquiry of the treasurer of said company in reference to any error alleged to be therein, and if satisfied that there is an error, he shall give a certificate over his signature of the correction of such bill, and such certificate, as well as the reports of said inspector, provided for above in reference to the candle power and quality of gas, shall be *prima facie* evidence of the facts contained therein.

§ 10. Said company shall have the exclusive privilege of erecting, maintaining and operating gas works in the city of Louisville for the manufacture and sale of gas for illuminating and heating purposes during the continuance of this charter; reserving, however, to any person the right to erect gas works on his own premises for supplying said premises with gas for his own use: *Provided,* That this section shall not be held to exclude the introduction and sale of natural gas for fuel, heating and illuminating purposes, or of erecting and maintaining the necessary works and appliances for the storing, distributing, conducting,

Exclusive privilege.

general utilization and sale of natural gas for purposes of illumination and heating.

[]
Lamp-posts.

§ 11. Said company shall put lamp-posts along the streets as the gas mains are extended, at a distance of about two hundred feet, or as near that distance as the dimension of the squares will admit; and when there are mains on both sides of the streets, the lights shall be located so as to alternate, preserving the distance of about two hundred feet between the lamps on each side of the street; shall furnish gas for said lamps at the rate of at least five cubic feet per hour to each burner, and light and extinguish the lamps, the time of lighting and extinguishing the lamps to be fixed annually in January, by schedule by the city gas inspector on the basis of four thousand hours' burning per annum; and keep the lamps clean, in order and repair, and the charge to the city therefor shall be twenty dollars per annum for each lamp used now or hereafter erected.

Private consum-
ers.

§ 12. The said company shall furnish illuminating gas to private consumers who may apply therefor, under reasonable rules and regulations to be prescribed by the company, at a price not to exceed one dollar and thirty-five cents per one thousand cubic feet, less a discount of five cents per one thousand cubic feet to all persons (including the city except as to street lamps) paying their bills within five days after same are due; and shall furnish non-illuminating fuel or heating gas to private consumers who may apply therefor, under reasonable rules and regulations to be prescribed by the company, at a price not to exceed fifty cents per thousand cubic feet; and the charge for gas to private consumers shall be so graded as that said company's profits shall not exceed eight per cent. per annum on the par value of the capital stock issued. The board of directors of said company shall annually cause the records of its business to be examined in detail by a disinterested expert accountant, whose report shall be published with the annual

report of said company ; and the records of the business of said company shall be open to the inspection of the mayor, or a committee of the general council, at any time during the business hours of the day, in the presence of one of the officers of the company ; and such committee or mayor, before entering upon their work, may select to assist or represent them a disinterested expert accountant, who shall have the rights and privileges of the committee in such inspection: *Provided*, That the prices fixed by this section and section 11, shall only apply for the years 1889 to 1893, both years inclusive, and that during the year 1893, and prior to October 1, the price of gas to the city per lamp-post, and to the private consumer per one thousand cubic feet, shall be fixed by a board of arbitration, composed of three civil engineers, one to be selected by the mayor, with the approval of the general council of the city of Louisville, one by the directors of this company, and the other by the two so chosen ; or in the event of their disagreement, by the chancellor of the Louisville chancery court. No one of said arbitrators shall be a stockholder in said company, and the third arbitrator shall not be a resident or tax-payer of Jefferson county. Said board of arbitration shall have full access to all the books of the company. A majority shall decide all questions. The said board shall make a report in writing to said general council and said company, and the prices so fixed shall be conclusive and binding for the years 1894 to 1898, both inclusive. And the same proceeding shall be had in the years 1898, 1903, 1908, and 1913, before October first of each of said years, to fix the prices for the several periods of five years next succeeding: *Provided*, That if such price is not so fixed prior to October aforesaid, it shall be fixed thereafter and as soon as practicable. In fixing the price of gas per lamp-post, it shall be the duty of the board of arbitration to fix the same as nearly as possible at the cost of gas consumed and the mainte-

nance thereof; and in fixing the price of gas per one thousand cubic feet for private consumers, it shall be the duty of the board to fix the same so as to yield a profit of eight per cent. per annum on the par value of the capital stock: *Provided*, The price of gas to private consumers (including the city, except as to street lamps) shall never exceed the maximum rate fixed herein for the first five years, nor more than will yield the company the eight per cent. profits hereinbefore stated.

Extension of
mains.

§ 13. The company shall, until its capital stock is exhausted, extend its mains beyond the point of present extension, upon the request of the general council of the city of Louisville, or of the residents upon the streets to which such extension is desired, when the profits on the gas furnished for the public and private lights arising from such extension will yield six per cent. on the cost thereof, or when the company shall be guaranteed that profit on the cost of such extensions by the residents upon the streets so supplied with gas.

Mode of taxation

§ 14. That the shares of stock of this company, its surplus, undivided surplus, undivided profits, or undivided accumulations, shall be taxed by the Commonwealth under and in accordance with the provisions of section one (1), article two (2), of an act approved May 17, 1886, entitled "An act to amend the revenue laws of the Commonwealth of Kentucky," and the acceptance of, and organization under this charter, and notice thereof in writing delivered to the Governor of this Commonwealth, within ninety days after such acceptance and organization, under the seal of the corporation, shall entitle the said company, and the holders or owners of its stock, to all the benefits of the provisions of section four (4) of said article and chapter.

Penalty for mis-
appropriation of
funds.

§ 15. If any servant, agent, employe, or officer of said corporation shall willfully and feloniously appropriate the funds thereof to his own use, or to the

use of any other person, or shall knowingly fail to make correct entries, or shall knowingly make false entries on the books of the company, with intent to cheat or defraud the corporation or any person, or to hide or conceal any improper appropriation of the funds of the company, every such officer, agent, servant, or employe so offending shall be deemed guilty of a felony, and, upon conviction thereof, shall be sentenced to confinement in the penitentiary of this State for a period of not less than one nor more than ten years, at the discretion of the jury.

§ 16. If any person or persons shall wrongfully, by ^{Penalty for in-} any means whatever, injure or destroy any part of ^{juring property} of the gas pipes or conductors, lamp-posts, burners, or any of the works, fixtures, or machinery of said company, all such persons, besides being liable to said company for the damage it has sustained thereby, shall be liable to indictment, and, upon conviction of such offense, shall be fined, at the discretion of the jury, in any sum not exceeding one hundred dollars, or by imprisonment in the city work-house of Louisville at hard labor for a term not exceeding one year; but this section shall not be held to change the law as to arson or willfully burning the houses of the corporation; and all indictments for offenses under this act shall be presented within two years after the discovery of the offense aforesaid, and not afterward.

§ 17. That the stock and other securities of the now ^{Stock of city in.} existing Louisville Gas Company, now held by said company as trustee for the city of Louisville, and all other stock and interest of said city in said company, shall be held by the company hereby incorporated as trustee for said city, and it shall, out of the profits and dividends of said trust funds and other stock and interest of said city, held by it as trustee as aforesaid, so far as the same will do so, or may be necessary, pay for the public lights furnished to said city by this company; and any dividends and profits arising therefrom not expended for the purposes aforesaid, shall

be invested by it as trustee for said city, with the concurrence and advice of the general council of the city of Louisville, and held as a trust fund for the purposes aforesaid during the existence of this charter: *Provided, however,* That this company may sell and dispose of such part and so much of said trust fund, other than stock of said company, as was accumulated under the now existing Louisville Gas Company, as may be necessary to pay off any and all unpaid gas bills owing to said company by said city; and should the profits and dividends of the stock and funds which shall come to the hands of the corporation hereby created, as trustee, prove insufficient to pay for the public lights furnished by it to said city, notice, in writing, of such fact shall be given to the general council of the city of Louisville, and said general council shall thereupon levy and cause to be collected a tax sufficient to pay the deficiency or deficiencies, with interest.

Furnishing to
other towns and
cities.

§ 18. Said company, and the municipal authorities of any of the towns and villages of Jefferson county, Kentucky, may enter into contracts for supplying said towns and villages and the citizens thereof with gas, upon such terms as the respective parties may agree upon; and said municipal authorities of said towns and villages may give said company the right and authority to lay its mains and service pipes under the streets, lanes, alleys, parks, and other public places of said towns and villages in such manner, and upon such terms as may be agreed upon by the contracting parties. And said company shall have the right to acquire, hold, use and dispose of all such real and personal property, and may erect all buildings and machinery which may be deemed necessary, proper or fit, to enable it to manufacture and distribute gas to the said towns and villages and the citizens thereof; and if it shall deem it expedient to do so in order to supply gas to said towns and villages,

said company may extend its main pipes from the city of Louisville into said towns and villages.

§ 19. The city of Louisville, if it so elect, may purchase the entire gas works property and effects of the said company, at the termination of this charter, at the fair value thereof at that time: *Provided*, That said city shall notify the company of such election on her part at least one year before the termination of said charter. The value of said gas works property and effects shall be ascertained by two competent civil engineers, selected, one by the city of Louisville and the other by the said corporation; and to provide against a possible disagreement between the said valuers, they shall, before entering upon the discharge of their duties as such, choose an umpire, who shall determine any differences which may arise between said valuers in the valuation of said works, property and effects, and the determination of said valuers and said umpire shall be binding and final. The proceeds of said works, property, and effects shall be divided *pro rata* among the stockholders, including the city of Louisville.

Right of city to purchase.

§ 20. This charter shall not be altered, amended or repealed without the concurrence of the general council of the city of Louisville and the board of directors of the Louisville Gas Company: *Provided*, That this section shall not apply to section 14 of this act: *And provided*, That a violation of any of the essential provisions of this charter shall cause a forfeiture thereof.

Amendment to charter.

§ 21. This act shall take effect from its passage.

Approved March 16, 1888.

CHAPTER 559.

AN ACT to amend an act, entitled "An act establishing a new charter for the city of Louisville," approved March 8, 1870.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act establishing a new charter for the city of Louisville," approved March 3, 1870, in so far as the same speaks or treats of building or making new streets within the corporate limits of the city of Louisville, as now or hereafter established, shall remain as the same is now fixed and prescribed by law, except, when any street is ordered or directed by the general council to be made at the expense of the owners of property adjacent thereto, or within the taxable limits therefore, and any property adjacent thereto or within the taxable limits for making said street belongs to the county of Jefferson, the cost which said county is liable for by reason of owning property within the taxable limits, shall be certified to the treasurer of said county, and the apportionment warrant therefor shall be certified to said treasurer, and paid by him out of any funds in his hands not otherwise appropriated. And if any land is owned by the State of Kentucky, or held in trust for the State of Kentucky, within the assessable district or limits to be assessed or taxed for the cost of making any street, the cost of making said street shall be apportioned as now directed by law, and the proportion due from the said property owned by the State of Kentucky, or held in trust for said State, shall be apportioned against the State of Kentucky, and the apportionment warrant shall be certified to the Auditor of Public Accounts for the State of Kentucky, and he shall draw his warrant on the State Treasurer for the amount of such costs in favor of the person or persons named in said warrant as the beneficiary thereof, and the State

Treasurer shall pay said warrant drawn by the Auditor out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall take effect from and after its passage.

Approved March 16, 1888.

CHAPTER 560.

AN ACT to incorporate the Paducah and Southern Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Chas. Reed, Thos. H. Puryear, J. M. Big-
ger, J. C. Cobb, Hugh Mulholland, Jr., of Paducah, Incorporators' names.
R. L. Ellison, of Calloway county, and J. H. Johnson, of Marshall county, their associates, successors and assigns, are hereby created and made a corporate body within this Commonwealth, by the name and style of the Paducah and Southern Railroad Company, with perpetual succession, and with power to contract and be contracted with, to sue and to be sued, in all the courts of this State and elsewhere as natural persons ; to use a common seal, with power to renew or alter the same at pleasure.

§ 2. That the capital stock of said Paducah and Capital stock.
Southern Railroad Company shall be two millions of dollars, divided into shares of one hundred dollars each, and which may be subscribed for by any corporation, as well as by individuals ; and the corporation hereby created shall have the power to subscribe for stock in any other railroad or bridge company.

§ 3. That said Paducah and Southern Railroad Com- Build road.
pany shall have the right to build and operate a railroad in the county of McCracken, in the city of Paducah, from the terminus of any bridge or transfer that may be established across the Ohio or Tennessee rivers, in said county, to any station or depot in said

city, or to a junction or intersection with any other railroad, with necessary branches to reach any manufacturing or industrial establishments in said city; and may extend its line of road southwardly, by single or double track, to the Tennessee State line, at such point as the company may select in Graves or Calloway counties; and may consolidate its stock and property with the stock and property of any other connecting railroad within or outside of this Commonwealth, with which it may form a continuous but not a competing line, under such name and terms as the consolidating companies may mutually agree upon; and may construct, maintain and operate a railroad transfer across the Ohio or Tennessee rivers, or both, at Paducah, either alone or in connection with any other company, upon such terms as may be agreed upon; and may purchase, lease or make running arrangements with any other railroad company with which it may connect, and may carry and transfer its locomotives and cars, both freight and passenger, across said rivers; it being the intent and purpose of this act to enable and authorize the said Paducah and Southern Railroad Company to build, own and operate a line of railway and river transfer from some convenient point in the city of Paducah to any such bridge or transfer landing, and connect the same with a line of railway in the State of Illinois by bridge or river transfer; and may establish and construct such depots, sidings, turn-tables, round-houses, shops, and offices as may be deemed necessary in the operation and management of said railroad; and may purchase, lease or otherwise acquire and hold real or personal property for the use and accommodation of said railroad tracks, transfer landings, river transfer, depots, sidings, shops, and offices, and other corporate purposes connected with the business of said company; and, if necessary, may sell and convey such property when not required for the purposes aforesaid.

§ 4. That when said company is unable to agree with Condemn land. the owner or owners of any land or other real estate or improvements which may be wanted or required for the purposes of said company for the purchase or use of the same, or if such owner or owners, or any of them, labor under such legal disability as to prevent them from contracting with said company or its authorized agents, or if such owner or owners be non-resident of said county of McCracken, the said Paducah and Southern Railroad Company is hereby authorized to proceed to condemn such land, real estate or improvements which, in its judgment, may be required for the purpose or business of said company, as is provided by the statute of this Commonwealth, the act, entitled "An act to prescribe the mode of condemning land for the use of railroad and turnpike companies," approved April 11th, 1882.

§ 5. That to enable said Paducah and Southern Bonds. Railroad Company to carry out the objects and purposes of this act, said company is hereby authorized to issue and sell its negotiable bonds, bearing a rate of interest not to exceed six per cent. per annum, the principal and interest to be made payable at such times and places as said company may determine, and may secure the payment of the same by mortgage upon its property, rights and franchises in this Commonwealth, either separately, or in connection with its property, rights and franchises out of this Commonwealth. Any consolidated company, of which this company may form a constituent part, shall have the same or like powers as are herein granted.

§ 6. That the city of Paducah may subscribe to the capital stock of said railroad company in an amount Paducah may subscribe aid. not to exceed one hundred thousand dollars, and pay for the same in the bonds of said city at par. Said bonds to be made negotiable and payable in such sums, and at such place, as the city council of said city may deem proper, and may bear a rate of interest not to exceed five per cent. per annum; said interest

to be represented by coupons attached to said bonds, and to be paid semi-annually ; said bonds to be signed by the mayor and countersigned by the city clerk of said city, and the coupons thereto may be signed by the clerk of said city by engraved signature. But before any such subscription becomes valid and binding on said city of Paducah, the same shall be submitted by the city council of said city to the legal voters of said city at a general or special election, and voted for affirmatively by a majority of all the legal voters in said city voting at such election. The city council shall have the power to fix the time when said election shall be held, and in case of special election the mayor, clerk and city attorney of said city shall compare the polls and certify the result to city council of said city.

*Subscription of
stock.

§ 7. The incorporators herein named shall constitute the first board of directors of said company, and may organize the same and provide for the subscriptions of stock to said company, and shall pass by-laws for the government of the business of said company ; the meeting of stockholders, the election of directors, and other necessary provisions for the carrying on of the corporate business of said company. The by-laws of said company shall provide for the number of directors after the first election, which shall take place within twelve months of the organization of said company.

§ 8. That no bonds shall be issued by any of the counties herein named to the railroad company until said railroad company has constructed its road and run its cars through the said counties : *And provided further*, That the railroad company actually begin work in good faith within two years after the passage of this charter, and construct and complete ten miles of its road each consecutive year thereafter ; that no election to vote to subscribe stock to said railroad company only at the option of the county judge, with a majority of the justices of the peace

concurring therein; and that no election shall be held until the said railroad company deposit with the county judge a sufficient amount of money to pay the expenses of said election.

§ 9. This act to take effect and be enforced from and after its passage.

Approved March 16, 1886.

CHAPTER 561.

AN ACT to incorporate the Paducah and Cairo Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That George Langstaff, T. J. Flournoy, Charles Reed, Q. Q. Quigley, D. G. Murrell, W. S. McNary, P. H. Darby, Dr. Charles Hinkle, J. O. Harbless, Dr. S. Shivelle, John F. Cocke and R. M. Shelton, their associates, successors and assigns, who may become stockholders, be, and they are hereby, created a body-politic and corporate, by the name and style of the Paducah and Cairo Railroad Company; and by that name shall have perpetual succession, and be capable of suing and being sued, pleading and being impleaded, defending and being defended in law and equity, in all courts and elsewhere, in like manner and as fully as natural persons; said corporation may have and use a common seal, and break, alter or renew same at pleasure; and by said corporate name may contract and be contracted with, and are hereby invested with all the powers necessary to acquire, hold and dispose of property, real and personal, and to transact business as a natural person.

§ 2. The capital stock of said corporation may be any amount, not exceeding two million dollars, to be divided into shares of one hundred dollars each, and may be subscribed or purchased, owned and con-

trolled by individuals, firms or other corporations in or out of this State.

Meeting.

§ 3. Any three of the corporators named in the first section may, in such manner as they may deem proper, call a meeting of the corporators therein named, giving them reasonable notice of the time and place of such meeting; and such of them as may attend such meeting may open books for subscriptions to the capital stock of said company, and when one hundred thousand dollars of said stock shall have been subscribed, may call a meeting of the subscribers, notifying each of the time and place of such meeting; and at such meeting said subscribers may organize said corporation by electing from the number a board of seven directors, who shall elect from their number a president and one or more vice-presidents, and appoint a secretary and treasurer, who may or may not be stockholders. At such meeting each share of stock subscribed shall be entitled to one vote, to be cast by the subscriber in person or by his written proxy.

Management.

§ 4. The president and directors shall have the management and control of the property, business and affairs of said company, and may adopt such by-laws for the government of the company, its officers, agents and employes, as may be needful or proper, and shall hold their offices for one year, and until their successors shall be duly elected and qualified; and may fill vacancies occurring in their number, and may appoint or authorize the appointment of such other officers and agents and employes as may become proper in the management of the affairs of said corporation, and prescribe their duties and compensation, and take from any of them bond, with security, for the due performance of their duties.

Appoint agents.

Call meetings.

§ 5. The directors shall fix the time and place of all annual and called meetings of the stockholders, and in such manner as they may determine shall give reasonable notice thereof to the stockholders. The

directors shall be elected at the annual meetings of the stockholders; and in all elections, and upon all questions which shall come before any stockholders' meeting, each share of stock shall be entitled to one vote, to be cast by the holder in person or by written proxy.

§ 6. It shall be lawful for the directors to reopen Stock books. stock books for subscriptions to the capital stock of said company at such times and places, and continue them open for such time as they may deem proper; and they may sell the stock of said company upon such terms as, in their judgment, may be to the advantage of said company. The capital stock of said company shall be personal property, and shall be issued, certified, transferred and registered in such manner as the said board of directors may prescribe.

§ 7. Said company is authorized to locate, build and Build railroad. operate a railroad, with such number of tracks, sidings, stations, telegraph wires, and other appliances, as it may determine upon, and for that purpose may acquire a continuous line or strip of land, one hundred feet in width, with such additional ground as may be needed for the use of said railroad, from the city of Paducah, or from a point near said city, to a point upon the Ohio river or upon the Mississippi river, in Ballard county, to be selected by it, and to equip such railroad with proper machinery and appliances; and shall have all the powers necessary to acquire, hold, own and sell, or otherwise dispose of, any and all real estate and personal or mixed property proper for carrying out the objects of its creation, in all respects as a natural person could do.

§ 8. Said company is hereby authorized, by ap- Condemn land. propriate proceedings in the courts, and in the manner provided by law, to condemn and use, in the construction and operation of said railroad and switches, sidings, telegraphs and stations, any property, whether real or personal, which may be necessary and proper for said purpose.

Powers to buy
or consolidate.

§ 9. Said company shall have power to purchase and hold any other railroad in this or any other State, and may subscribe stock in, or aid in building, any other railroad, in or out of this State, whenever in the judgment of the board of directors it may be to the advantage of said company so to do. It may also consolidate with any other company, in or out of this State, upon such terms, and under such style and name, as may be agreed; and may lease and operate any other railroad, or may lease its railroad, or any branch thereof, to any other company, to be operated by such company, upon such terms as may be agreed upon; and authority is hereby given the board of directors, through the president or such other agents as it may employ, to make and execute, with the consent of the majority in value of the stockholders, such contracts as may be necessary or proper for any of these purposes.

Borrow money.

§ 10. Said company may, from time to time, borrow such sums of money as it may require in the construction, equipment or operation of said railroad, or any branch thereof, and to issue the bonds of said company, bearing any rate of interest not exceeding six per cent. per annum, and sell same upon such terms as it may deem proper; and to execute mortgages or deeds of trust upon any or all of its property and franchises to secure the payment thereof; and bonds sold by said company at less than their par value shall be as valid and binding upon it as if sold at their par value. Authority is given said board of directors, through the president or such other agents as it may employ, with the consent of the majority in value of the stockholders, to prescribe the terms and manner of execution, and to execute all such bonds and coupons or other obligations of said company, and such mortgages or deeds of trust, as it may determine to issue.

Keep journal.

§ 11. Copies of the minutes of the proceedings of the board of directors of said company, certified by

the secretary or other custodian thereof, under the seal of said company, shall be competent evidence in all courts and elsewhere of said proceedings, with the same effect and to the same extent that the original record of such proceedings, duly proved, could be used as such evidence.

§ 12. Said company may receive subscriptions to its capital stock, payable in real estate or in labor or materials, and may receive conveyances of such real estate, and may lease, purchase or otherwise acquire and own, hold, use and control, all such real estate Real estate. and personal property as may be necessary or proper in or about the construction, equipment or operation of said railroad or branches, and a line or lines of telegraph along same, or which may be conveyed to it in payment of any subscription to its stock, or in satisfaction of any debt, and it may sell and convey same as a natural person; but real estate acquired in payment of any subscription or debt, and not required in or about the business of said company, shall not be held by it longer than five years. Telegraph lines.

§ 13. Said company may contract with any corporation, firm or individuals, for the construction or equipment, or both, of said railroad, or any part or branch thereof, and pay for same wholly or in part with the stock, bonds or other property or securities of said company, in such manner and upon such terms and conditions as may be authorized by the board of directors. Contract.

§ 14. Any city or town into or through which said railroad, or any branch thereof, may be constructed by its council, board of trustees, or other proper corporate authority, may grant to said company the right to construct and operate its main and side-tracks upon the streets, alleys and highways of such city or town. City or town grant right of way.

§ 15. Said company may construct and operate such branches from its main line as the board of directors, with the consent of a majority in value of the stockholders, may authorize, and extend same into other Branches.

States with their authority so to do ; and the privileges, powers and franchises herein granted shall extend and apply to such branches, to same extent and in the same manner, as to the main line.

Rates. § 16. Said company shall have the right to charge and receive the rates for transportation of freight and passengers usual on such roads in Kentucky, and the Legislature reserves the right to regulate said rates.

Place of business. § 17. The general office of said company shall be at such place as the board of directors may determine, and a majority of said board shall be a quorum.

Counties, etc., take stock. § 18. Any city, incorporated town, county, or civil or election district or precinct of a county, into or through which said railroad or branch thereof may pass, is hereby authorized to subscribe for the capital stock of said company, to be paid for with the bonds of such city, town, county or precinct, in such sums and upon such terms as may be agreed upon ; and the mayor and council of such city, the board of trustees of such town, or the county court of such county, or of the county in which such precinct is situated, are hereby authorized to issue and deliver such bonds of such city, town, county or precinct to said company in payment for such stock so subscribed. All such bonds shall be payable to bearer with coupons attached, bearing any rate of interest not exceeding six per centum per annum, payable semi-annually in the city of New York, the bonds to be payable at such date as they may designate in said city not exceeding thirty years from the date thereof. But before any such subscription shall be made on the part of any such city, town, county or precinct, the mayor and council of such city, the board of trustees of such town, or the county court of such county, or of the county in which such precinct shall be situated, may, in their discretion, submit the question of such subscription to the qualified voters of such city, town, county or precinct, to be voted upon at such time as the said mayor and council, board of trustees,

Bonds.

or county court may designate, of which at least twenty days' public notice shall be given by publication of such notice in all the daily and weekly newspapers published in such city, town, county or precinct, at least ten times in such daily and twice in such weekly papers; and if no such papers shall be so published therein, then by posting printed notices of such election in at least five public places in every voting precinct in such city, town or county, and a like number in such precinct at least twenty days before the day of such election. Said mayor and council, board of trustees or county court, shall appoint the necessary officers and make all needful arrangements for holding such election; and if a majority of the legal voters of such city, town, county or precinct at such election shall vote in favor of making such subscription to said stock, then the said mayor, chairman of the board of trustees, or county judge, shall make such subscription on behalf of such city, town, county or precinct so voting, and shall issue and deliver to said company the bonds thereof, of such denominations as may be determined on, in payment of such subscription as hereinbefore provided. And thereupon, the said mayor and council, board of trustees, or county court, shall levy and collect, and thereafter annually levy and collect, a tax upon the taxable property of such city, town, county or precinct, as listed under the revenue laws of the State, a sum sufficient to pay the interest on said bonds as it shall accrue, and expenses connected therewith; and they are also authorized and required to make provision for the payment of said bonds at maturity by creating a sinking fund, and to levy and collect annually such additional tax as may be necessary for that purpose, and to make suitable provision for the safe-keeping and proper investment of such sinking fund. Said taxes shall be collected by the tax-collecting officers of such city, town, county or precinct, or such other person as the

authorities thereof before mentioned may appoint for that purpose; such collector, whether the regular collecting officer or specially appointed, shall be required to give proper bond, with good and sufficient surety, for the faithful performance of his duties under this act. The collector of said tax shall give receipts to the persons paying same, showing the amount paid and the date, and that it was paid under this act, and the person paying same shall be entitled to stock of said company to the amount thereof; and whenever such tax receipts to the amount of one share shall be presented to said company, it shall issue to the holder thereof a certificate of stock therefor; but it shall not be required to issue a certificate for a fractional part of a share. Said company may pay to such city, town or county the amount of tax levied for any year under this act, and thus stop the collection of such tax for such year: *Provided*, That no bonds shall be issued or delivered by or on behalf of any such city, town, county or precinct, or tax levied under this act, until said railroad shall be constructed, and one or more trains run thereon from its terminus at Paducah to the terminus thereof to be selected by said company, upon the Ohio or Mississippi river, as authorized by this act: *And provided further*, That no subscription to said stock shall be made by, or on behalf of such city, town, county or precinct, nor shall any bonds thereof be issued or delivered, nor shall any tax be levied or collected under this act, until a majority of the legal voters of such city, county, town or precinct shall have voted in favor of making such subscription, at an election held as herein authorized; and it shall be within the discretion of the mayor and council of such city, or the board of trustees of such town, or the county court of such county, or of the county within which such precinct is situated, to hold such election, or to refuse to do so.

§ 19. The mayor and council of such city, board of trustees of such town, or county court of such county,

or of the county within which such precinct may be situated, so levying such taxes, shall appoint a treasurer or other officer, who shall receive such taxes from the collecting officer, who shall be required to give bond, with sufficient security, for the proper discharge of his duties ; and it shall be the duty of such treasurer or other officer to see that all moneys collected for taxes under this act are faithfully kept and applied to the payment of the principal and interest of said bonds, and expenses growing out of the collection, keeping and paying of same ; and it shall be the duty of such collecting officer to pay over to such treasurer or other officer all moneys collected by him under this act, and to settle his accounts as often, and at such times, and in such manner, as the said mayor and council, board of trustees, or county court may require.

§ 20. Said company shall, in good faith, within one year, survey and adopt the line of said railroad from Paducah to the terminus, to be selected by said company, upon the Ohio or Mississippi river, in Ballard county, as herein authorized ; and within two years shall, in good faith, begin work on said railroad, and shall complete at least ten miles of road-bed each year thereafter until the whole shall be completed, and shall lay the track between said termini within five years from the passage of this act ; and upon failure thereof, this charter may be forfeited as to the incompleted portion thereof.

§ 21. This act shall take effect from and after its passage.

Approved March 16, 1888.

CHAPTER 562.

AN ACT to authorize the county court of Rockcastle county to levy and collect an ad valorem tax for county purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the county court of Rockcastle county, in order to reduce the poll-tax to one dollar, shall have power to levy an ad valorem tax, not to exceed thirty cents, on each one hundred dollars of taxable property in said county, to be collected by the sheriff of said county, under the same pains and penalties as sheriffs are now subject to under existing laws: *Provided*, That before the said court shall be authorized to levy the said ad valorem tax, and reduce the poll-tax as herein provided, the provisions of this act shall be first submitted to a vote of the qualified voters of said county, at the regular August election of 1888, and a majority of the voters of said county voting at said election shall have voted in favor of such ad valorem tax and reduced poll-tax, the vote to be certified by the examining board to the court, and entered upon the record in the county court clerk's office of said county.

§ 2. This act to take effect from its passage.

Approved March 16, 1888.

CHAPTER 563.

AN ACT to incorporate the Mutual Fire Insurance Company of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Paris C. Brown, Q. O. Maddux, H. Drexelius, Sam'l Bigstaff, J. K. Stone, W. P. Dickerson, C. J. Helm, G. Artsman, H. Buchanan, or such of them as may act, and their associates, successors and

assigns, be, and they are hereby, created a body-corporate, under the name and style of the Mutual Fire Insurance Company of Kentucky; with perpetual succession, and full powers to contract and be contracted with, sue and be sued; to acquire, use, hold and dispose of real and personal property; to invest its capital and funds accumulated in the course of its business, or any part thereof, in any bonds, stocks, mortgages, deeds of trust in real estate, in or out of the State of Kentucky; to loan its said capital and accumulated funds out on such security as its board of directors may determine, not, however, except as authorized by the general insurance laws of the State; to insure houses, buildings, and other kinds of property, in or out of this State, against loss or damage by fire or from lightning; to cause itself to be insured against any loss or risk it may have incurred in the course of its business, and upon the interest it may have in any property by means of any loan or loans it may have on mortgage or other lien, and generally to do and perform other matters and things proper to promote these things; to enact by-laws not in conflict with this act or the laws of the State. That the capital stock of said company shall be the premium notes hereinafter provided for, and ten thousand dollars, divided into shares of fifty dollars each, which shall be transferable only on the books of the company, and shall be paid up only as the directors of said company shall determine. Any person, his heirs, executor, administrator and assigns, may, by said company, be allowed to become a member thereof by insuring property therein on the mutual plan. Persons so insuring shall, in addition to paying in cash a sum to be determined by the directors, also execute a note to said company for such a sum as the directors shall determine, which sum shall be for fifty dollars, or the multiples thereof. Said note shall be payable on demand at any time during the life of the insurance for which the same may have been given,

and a lien for the amount of same shall exist on the property insured; notes for any one risk shall not exceed one thousand dollars. At the expiration of the term of insurance for which such notes may be given, they shall be delivered up to the assured; said notes shall constitute part of the capital stock of said company. Whenever said company shall meet any loss which they cannot otherwise pay, then they shall assess all such notes their proportionate part of such loss, and may, if necessary, institute proper proceedings to collect the same; no such assessment shall, however, be made until the ten thousand dollars of capital stock shall have been exhausted. On the first of January in each year said company shall ascertain its net earnings after the payment of all expenses, and shall, out of the same, set apart twenty-five per cent. thereof as a surplus fund; from the residue they shall pay to the holders of the ten thousand dollars of capital stock six per cent. thereon, and the residue shall be declared a dividend on the said ten thousand dollars of capital stock and all premium notes that are six months old, and the same shall be paid to the holders of said stock and the makers of said notes in cash. No such division of earnings shall, however, be declared, unless the capital stock of ten thousand dollars shall be unimpaired, but the whole of the earnings shall go to make up the impairment of the capital stock. Private property of the owners of the capital stock shall be exempt from liability for corporate debts, except to the extent of unpaid subscription to the stock, and the face of premium notes unpaid. The affairs of said company shall be managed by a board of five directors, to be chosen from the owners of the ten thousand dollars of capital stock by the owners thereof, and the makers of premium notes, who shall be entitled to participate in the profits, in person or by proxy; each share of stock and each fifty dollars of premium notes shall represent one vote. Said board may elect and employ such officers

and agents as may be necessary to transact its business, and may make such by-laws, not in conflict with the Constitution and laws of this State or the United States, as they see proper. Said company shall, in so far as applicable, comply with the laws of this State regulating fire insurance companies.

§ 2. This act shall take effect from and after its passage.

Approved March 16, 1888.

CHAPTER 564.

AN ACT to incorporate the Kentucky Investment Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That W. N. Haldeman, J. M. Fetter, Bennett H. Young, R. S. Veech, W. T. Grant, J. W. Stine, Vernon D. Price, Harry Weisinger, William Cornwall, Jr., Thos. W. Bullitt, A. E. Richards and Wm. L. Jackson, Jr., their successors and assigns, be, and they are hereby, created a body-politic and corporate, under the name and style of the Kentucky Investment Company; and by that name shall be capable in law to sue and be sued, contract and be contracted with; to have and use a common seal, and alter it at pleasure; and shall have full authority and power to transact and to do and perform all things relative to the business authorized by this charter.

§ 2. The principal office of said company shall be in the city of Louisville, Kentucky, with branch offices at such other places as may be deemed convenient and proper.

§ 3. The capital stock shall be divided into shares of one thousand dollars (\$1,000) each, and shall not exceed two million dollars (\$2,000,000). It shall be paid for at such times and in such manner as may be set forth in the subscription for same, as author-

Names of incorporators and style of company.

Office, where located.

Capital stock and shares.

ized by the incorporators, or after organization by the directors, and shall be transferable upon such terms as may be prescribed in the by-laws of the company. The corporation may issue and use its capital stock for the purchase of property or securities of any sort, which it is authorized to acquire, on such terms as may be agreed upon between the corporation and the vendors.

Board of directors. § 4. The affairs of the corporation shall be managed by a board of directors of not less than five nor more than thirteen members, a majority of whom shall be residents of Kentucky. The corporators, with such other persons as they may associate with them, shall constitute a board of directors until the first Tuesday in May, 1889, or until their successors are duly elected and qualified. The board of directors shall elect a president, vice-president, a secretary and treasurer, and may provide for, appoint and employ such other officers or employes as may be deemed necessary for the prosecution of the business of the corporation, and shall have power to fill temporary vacancies in the board. The board shall likewise have power to adopt by-laws for the government of the affairs of the corporation, not inconsistent with law. The offices of secretary and treasurer may be held by the same or different persons.

Meetings of stockholders. § 5. Meetings of stockholders for the election of directors shall be held at the offices of the company on the first Tuesday in May in each and every year, unless the time of holding such election shall be changed by the by-laws, which may be done, and special meetings of stockholders may be called by the president or by the board of directors, upon notice specifying the time and place of meeting, which notice shall be published in a daily paper of Louisville, at least ten days before the meeting; and notice shall likewise be sent to each stockholder, through the post-office at Louisville, addressed to such stockholder at such registered address as may be given by such

stockholder to the corporation. If a stockholder shall fail to give a registered address, the notice may be addressed to him at Louisville.

§ 6. The corporation may begin business when one thousand shares shall have been subscribed for, and may purchase, hold, possess, sell, mortgage or otherwise dispose of such real estate as may be necessary for the conduct of its business. It is authorized and empowered to purchase, hold and dispose of notes, bonds, stocks, certificates of deposit or other evidences of indebtedness, of any corporation or individual; to construct railways or other works of internal improvement; to make loans or advances upon such securities as it may approve, and take compensation therefor in corporate stocks, bonds, notes, money or other property. It may guarantee interest or principal, or both, of any securities of any kind in Kentucky or elsewhere, corporate or individual, and may receive therefor such compensation as may be agreed upon at the time of such guaranty, and may receive moneys on deposit, and make investments upon its own account, or on account of those depositing money with it for investment. It may construct a safety vault or vaults, and charge for the use thereof. It may be named and may act as trustee in railroad or other mortgages, deeds of trust, or other instruments of any kind.

§ 7. The corporation shall have power to issue its bonds, and secure the same by a mortgage or pledge of its property, real or personal, named in such mortgage or instrument pledging the same.

Character of
business.

May issue bonds
and secure same
by mortgage.

§ 8. This act shall take effect from its passage.

Approved March 16, 1888.

CHAPTER 565.

AN ACT to amend an act, entitled "An act to incorporate the Licking Valley Land and Mining Company," approved March 29, 1882.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the title of said act of incorporation and the name of said company be, and they are hereby, changed to "The Beaver Valley Land and Mining Company."

§ 2. That the board of directors may increase the capital stock to any number of shares not exceeding twenty thousand.

§ 3. The board of directors may change the principal office to any town or city in Kentucky; but the principal office of the company shall not be changed oftener than once in five years after the passage of this act.

§ 4. This act shall take effect and be in force from its passage.

Approved March 16, 1888.

CHAPTER 566.

AN ACT to amend chapter 1334 of the Acts of 1871, approved February 22, 1871.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Amendment. § 1. That the words "in the direction of Paris, Tennessee," contained in section one (1) of an act, entitled "An act to incorporate the Kentucky and Tennessee Railroad Company," approved February 22, 1871 (the said act being chapter 1334 of the Acts of 1871, as expressed in the title of this act), be, and the same are hereby, repealed and stricken from the said section.

§ 2. That the said company is hereby authorized and ^{Route.} invested with the right and power to locate, build, construct, equip and operate its railroad and branches thereof, with double or single tracks, switches, sidings and depots, and also to locate, build, construct, equip, extend and operate the same from the city of Hopkinsville, in Christian county, to any point on the Ohio river between Henderson, Kentucky, and the mouth of Tradewater river in this State. The said company is also authorized to acquire or put up, use and operate a line or lines of telegraph along the line of its railroad and branches, and to acquire, hold and enjoy all such property and implements as may be needed or convenient in doing such telegraph business; and said company is further authorized and empowered to maintain and operate its railroad between the Kentucky and Tennessee State line and the Ohio river, under, over or across any and all streams or bodies of water in this State, whether navigable or not, which may be or run across or along its line: *Provided*, That where any navigable stream shall be crossed by the said railroad, or any of its branches, the company shall provide a bridge or draw sufficient to allow the passage of water-craft plying such waters, in order to prevent any unreasonable delay or obstruction to such craft.

§ 3. That section five (5) of said chapter and act be, ^{Former act amended.} and the same is hereby, amended by prefixing and incorporating as a part of said section, after the section mark, the following: "The said company is hereby authorized and empowered to cause such examinations and surveys to be made as shall be deemed necessary to determine the most eligible route upon which to locate, construct and operate its line and branches, side-tracks and switches, and, with the consent of the owners thereof, to enter upon and appropriate all such lands, rock, timber, earth, gravel, sand or other materials, as may be convenient or necessary

for the construction and operation of its railroad, branches and switches, together with not exceeding fifty (50) feet on each side of the center of the track or tracks of such railroad and branches, side-tracks and switches."

§ 4. The said company is hereby granted the right to run its railroad and branches, side-tracks and switches, into the corporate limits of any incorporated town or city, after having first obtained the consent of such towns or cities, and to build and operate its tracks across or along any streets of such municipalities, or any other public highway: *Provided*, That such part of its tracks as shall be located or laid in, across, under or upon any street or highway, shall not unreasonably obstruct or hinder its use as a street or highway.

§ 5. That section eight (8) of the said chapter and act be, and the same is hereby, amended by adding thereto, and incorporating as a part of said section, the following: "The capital stock may be increased to an amount not exceeding twenty thousand dollars per mile for the number of miles of the main stem of said railroad, and of such branches as may be built from the main stem; and said stock shall be deemed personal property, transferable by assignment in accordance with the by-laws of the company."

6 §. That section nine (9) of the said chapter and act be, and the same is hereby, amended so as to read as follows: "When authorized so to do, by the vote of a majority of the stock represented at any regular or called meeting of the stockholders or subscribers for the stock of the company, the board of directors may, from time to time, issue, or cause to be issued, negotiable bonds of the said company, bearing interest at any rate not exceeding seven per centum per annum, and may sell and deliver said bonds at such price and in such manner as the board of directors may deem best. The payment of the principal and interest of such bonds may be secured by the hypoth-

ecation or mortgage of the railroad, rights, franchises, privileges and other property of the said company."

§ 7. The term of office of the directors of the com- Term of office.
pany shall be two years (but may be reduced to one year by vote of the stockholders or subscribers for the stock at any regular meeting), and until successors are elected and qualified ; and the time for the regular election of directors shall be as now fixed, or as shall hereafter be fixed by the stockholders or subscribers for the stock of the company at any regular meeting. All vacancies in the directory or other offices may be filled by the remaining directors. The board of direct- Compensation and bonds.
ors shall have the power to fix the compensation of the president and other officers, agents or employes of the company, and said board shall also have the power to appoint or elect all such officers or agents or servants for the company as they may deem necessary, and may require any of its officers, agents or employes to execute bond, with security, conditioned as the board may direct.

§ 8. That the organization of the said company, Election confirmed.
by the election of directors thereof on the 8th day of December, A. D. 1887, by the subscribers for the stock of the company on that day, in the city of Hopkinsville, be, and the same is hereby, confirmed and legalized, and the said company is hereby declared to have been duly and lawfully organized on that day, and shall have all the powers and rights, privileges and franchises conferred upon and granted to the Kentucky and Tennessee Railroad Company by the said chapter and act, and amendments thereto.

§ 9. That said road shall be completed within five Complete line.
(5) years from the passage and approval of this act.

§ 10. This act shall take effect and be in force from and after its passage.

Approved March 16, 1888.

CHAPTER 567.

AN ACT to incorporate the Winchester Trust Company, of Winchester.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That George B. Nelson, F. H. Dudley, Eli Bean, I. N. Cardwell, A. W. Catherwood, Henry Long, P. B. Dudley, and all other persons who shall hereafter become stockholders in the company hereby incorporated, shall be a body-corporate, by the name of the Winchester Trust Company, of Winchester, Kentucky, and shall continue in operation for a term of thirty years; may contract and be contracted with, sue and be sued, and have and exercise all the powers hereinafter given; and may have and use a common seal, and alter same at pleasure. This company shall have the power to sue and maintain any proceeding, to force collections on all loans taken as agent or in a fiduciary capacity, the same as if payable direct to the company.

§ 2. The capital stock of said corporation shall consist of four thousand shares at the par value of twenty-five dollars each; said capital stock may, by a two-thirds vote of the then stockholders, be increased to not exceed six thousand shares; in case of such increase of capital stock, the stockholders at the time of such increase shall be entitled to a pro rata share of said increase upon the payment of the price fixed by the board of directors.

§ 3. As soon as the amount of twenty-five thousand dollars shall have been paid in, and a certificate filed with the county clerk of Clark county, said company shall be authorized to commence the transaction of business under the provisions of this act.

§ 4. That sections 4 to 20, inclusive, of an act, entitled "An act to incorporate the Security Trust and Safety Vault Company, of Lexington, Kentucky," approved

March 16, 1886," be, and the same are hereby, made a part of this act, excepting wherein the words "city of Lexington and Fayette county" appear, the same be, and hereby are, amended as to read city of Winchester and Clark county.

§ 5. This act shall take effect and be in force from its passage.

Approved March 16, 1888.

CHAPTER 568.

AN ACT to prohibit the sale of spirituous, vinous or malt liquors within one mile of the turnpike road leading from Yosemite to Dunnville, in Casey county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall be unlawful for any person within one mile of the turnpike road leading from Yosemite to Dunnville, in Casey county, to sell spirituous, vinous or malt liquors in any quantity : *Provided*, That this section shall not affect the laws now in force in the incorporated towns on said road.

§ 2. That any person guilty of a violation of the provisions of the preceding section shall be guilty of a misdemeanor, and upon conviction shall be fined for each offense not less than ten nor more than fifty dollars.

§ 3. That the county judge, police judges, and justices of the peace, in Casey county, are hereby authorized to issue a warrant of arrest, upon the affidavit of any respectable citizen of said county, against any one charged with the offense of violating the provisions of the first section of this act without indictment by a grand jury : *Provided*, The Commonwealth's attorney or the defendant may demand and have a jury to try the case.

§ 4. This act to be in force from its passage.

[Became a law without approval of Governor March 19, 1888.]

CHAPTER 569.

AN ACT to incorporate the Nicholasville Street Railway Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That John H. Welsh, J. B. Collins, Wm. H. Incorporators. McCarty, E. T. Lillard, Henry Crow and W. T. Jones, and J. B. Stears, their associates and successors, be, and are hereby, created a corporation, under the name and style of the "Nicholasville Street Railway Company ;" and by said name may have perpetual succession ; may sue and be sued, plead and be impleaded ; have and use a common seal, alter the same at pleasure ; contract and be contracted with, hold and acquire, by lease or purchase, real and personal property, and dispose of the same by lease, sale or mortgage.

§ 2. Said corporation shall have the power to con- Build railway. struct, maintain and operate single or double track railways, and may use as motive power either horses or cable, or such of them as may be deemed necessary, or any other power now used, or which shall hereafter be used by street railway companies ; it shall have the power to construct and operate all necessary side-tracks, curves, turn-tables, turn-outs, depots, stables, shops and other needed structures ; and said railway may construct and operate its line or lines of railway over any and all the streets of the town of Nicholasville, and also to any point or points within a distance of five miles of said town ; and shall have the privilege of at any time extending its existing lines or of constructing others, as the growth of the town of Nicholasville or the company may require : *Provided, however,* That before the said company shall run over or across any street or alley of said town of Nicholasville, the consent of the board of trustees or board of councilmen shall first be procured thereto.

§ 3. The capital stock of said company shall be Capital stock. fifteen thousand dollars, and may be increased from

time to time, as the majority of the stockholders may direct, and shall be divided into shares of fifty dollars each. Said corporation shall have the right to commence business whenever two thousand dollars of bona fide subscriptions shall be received, the same to be paid as required by the board of directors. The said corporators or board of directors, or either of them, may open books to receive subscriptions to the capital stock of said company, and such books of subscription may be opened and subscriptions received at such time and place, and upon such notice thereof, as any two corporators may deem proper.

§ 4. The stockholders representing a majority of the ^{Election.} stock subscribed for may have power to elect the first board of directors, who shall serve for one year or less, in the discretion of a majority of the stockholders; from the time of their election and thereafter, said stockholders of said company shall annually meet and elect their board, transact any other business for the good of the corporation, and may change the date of annual meetings if a majority of the stockholders so decide. The board of directors shall elect from their number a president, and may appoint such other officers to manage the affairs of the corporation as may be necessary; and in case of death or resignation of any member of the board, the vacancy may be filled by the balance of the directors. Said board to make such by-laws as the good of the corporation may demand.

§ 5. If the line or lines of this corporation traverse ^{Condemn prop-} or infringe upon any private property, the same shall ^{erty.} be compensated for to the owner; and if no agreement can be arrived at, the said corporation may proceed to condemn the property by writ of *ad quod damnum* according to the law regulating such proceedings.

§ 6. That work upon said street railway shall begin in good faith within three years, and in operation within five years, from the passage of this act.

§ 7. This act shall take effect from its passage.

[Became a law without approval of Governor March 19, 1888.]

CHAPTER 570.

AN ACT to incorporate the Pineville Coal, Iron, Timber and Transportation Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. Louis DeBard, Wm. Mitchell, J. T. Young, N. B. Lloyd, H. Campbell, I. N. Phipps and C. Ragan, their associates, successors and assigns, be, and they are hereby, created a body-corporate and politic, by the name and style of the Pineville Coal, Iron, Timber and Transportation Company; and by that name and style shall have perpetual succession, with power to contract and be contracted with, to own property, both real and personal, and to sue and be sued in all courts and places; to have a common seal; to engage in mining for coal, iron and other minerals, and cutting and sawing timber and preparing such minerals and timber for market, and transporting and selling them within and without this State, and to do other acts and have all other powers needful for the successful prosecution of their business, and for the execution of the powers herein granted.

§ 2. That said corporators may organize said company by the election of a president and board of directors, not exceeding five in number, and such other officers as they may deem necessary, at such time and place as they may designate by notice previously given; and when thus organized, the said company shall have power to make such by-laws, rules and regulations, as they may deem necessary, from time to time, for the government and prosecution of their business, not inconsistent with the Constitution and laws of the United States and this State.

§ 3. The capital stock of said company shall not exceed one million dollars, to be divided into shares of one hundred dollars each. Said company may issue bonds not exceeding four hundred thousand dol-

lars, with six per cent. coupons attached, which bonds shall be signed by the president and countersigned by the secretary of said company, and the coupons shall be signed by the secretary, and mortgage any part or all of its property to secure the payment of the same. Said bonds shall be made payable in not exceeding twenty years from their date, at such place as may be designated in the said mortgage, and the interest shall be made payable semi-annually.

§ 4. The said company may buy, lease, or rent any ^{Buy or lease property.} suitable lands, timber, mines, mining privileges, rights of way, saw-mills and other manufacturing machinery, and other property and rights, such as they may deem necessary; and may dispose of the same by sale or mortgage, or in any other legal manner, or any portion of the same. They may receive real estate, leasehold estate, mining rights, to take timber and rights of way in payment of such part of subscription as they may deem advisable.

§ 5. Said company may construct tramways, rail- ^{Tramway.} ways or railroads, and operate the same from its mines and mills to any other railroad or navigable stream within five miles of its mines or business; and it may make any contract or agreement with any railroad company with which they may connect, which it may deem proper, for running its cars or locomotives over such other roads, or such other road running its cars or locomotives over this company's road. If, for the purpose of constructing the roads aforesaid, it becomes necessary to pass over the lands of others, and it can not agree with such person or persons on the amount of compensation to be paid for the same, then this company may condemn the same for the use of said company, as provided by chapter 110, General Statutes, for turnpike roads, etc.

§ 6. The principal office of this company shall be at ^{Principal office.} Pineville, Kentucky; and said company may erect or build on any of their lands such buildings, saw-mills, machinery, engines and fixtures as may be deemed

convenient and proper for conducting the business of said company.

§ 7. The individual property of stockholders of this company shall not be liable for the debts of said company.

Individual property.

§ 8. This act shall take effect from and after its passage.

[Became a law without approval of Governor March 19, 1888.]

CHAPTER 571.

AN ACT to authorize the Martin county court to lay an ad valorem tax and to issue bonds.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Martin county court be, and they are hereby, authorized to issue the bonds of said county, bearing any rate of interest that the county court by its order may designate, not exceeding seven per centum per annum, and in such amounts as the court may direct: *Provided*, That at no time shall the outstanding bonds exceed eight thousand dollars, and be made payable at any time the court may, by its order, fix ; but in no case shall the time exceed twenty years ; and may fix the time of paying the interest annually or semi-annually ; and, for that purpose, shall attach coupons to said bonds ; said bonds and coupons shall be signed by the county judge and countersigned by the county court clerk ; but before the same shall be issued, a majority of the justices of said county shall be present and concur in the same.

§ 2. That the bonds mentioned in section 1 may be sold by any agent appointed by the county court: *Provided, however*, That in no event shall they bring less than ninety-five per cent. of the face of same ; and the proceeds of said bonds shall be used exclusively

for the purpose of redeeming or paying off the bonds of said county now outstanding, building or repairing the public buildings and bridges of said county, and to pay off any deficit that now exists or may hereafter exist by reason that per capita tax has been or may hereafter be insufficient to pay the current expenses of said county.

§ 3. For the purpose of raising money to pay the principal and accruing interest on said bonds, the county court of claims of said county is hereby empowered and authorized to levy an ad valorem tax on all the taxable property in said county, not exceeding fifty cents on each one hundred dollars' worth, which tax shall be placed in the hands of the sheriff of said county, and shall by him be collected in the same way and manner as the State revenue is collected; and said sheriff and his sureties shall be liable for the collection of same as he is by existing laws for the collection of the county levy, and shall pay the same over in like manner when required by the county court.

§ 4. This act shall take effect and be in force from its passage.

Approved March 19, 1888.

CHAPTER 572.

AN ACT to incorporate the Fidelity Building and Loan Association, of Lexington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That C. F. Simonds, James B. Ferguson, John Ready, and Paul Conlon, their associates, successors and assigns, be, and they are hereby, created and declared a body-corporate and politic, under the corporate name and style of the "Fidelity Building and Loan Association;" and by that name may sue and

be sued, plead and be impleaded, shall have perpetual succession ; may have and use a common seal ; may acquire and hold real and personal estate, and sell and convey the same, and shall have and possess such other powers as are consistent with the objects of the association, and not contrary to the laws of this Commonwealth and those of the United States.

Officers.

§ 2. The officers of the association shall be a president, a vice-president, solicitor, secretary and assistant secretary, if one be deemed necessary, and a treasurer, and any number of directors not exceeding nine ; and until the first election of officers hereinafter provided for the incorporators herein named, or their successors and assigns, shall constitute the first board of directors, and shall hold their places as such directors until the first election, which shall be held in July, eighteen hundred and eighty-nine, and on the same day annually thereafter. The officers of the association shall be elected by the first board of directors from among their own number, and these shall hold their respective offices until their successors are elected and take their places ; and thereafter the general officers shall be elected by the board of directors, either from among their own number or from among the stockholders.

Vote.

§ 3. In elections and at meetings for the transactions of other business, each member shall be entitled to one vote for each share of stock held by him : *Provided*, That women and infants, members of the association, may vote by proxy ; married women and infants by their husbands and guardians, other women by any member of the association selected by them, in writing, to act for them.

Open books for
subscription.

§ 4. The incorporators above named, or any of them, shall open books for the subscription of stock, and whenever one hundred shares shall be subscribed said association may go into operation ; other shares may subsequently be subscribed until the stock in each class shall be complete. The subscribers in any class

shall pay correspondingly to the dues paid by original subscribers, with interest at such rate, not exceeding six per cent., as the association may prescribe in its by-laws: *Provided*, That no stockholder shall hold or acquire, at any time, a majority of the shares in any one class. Stock in all classes shall be transferable on the books of said association as may be provided in its by-laws.

§ 5. The object of this association being to enable Object. its members, by their savings and accumulations, to acquire homes and other property, its business shall be to loan its capital as paid in, and the accumulations thereof, only upon mortgages and liens upon real estate and good collateral, ample in amount to secure the same, preference being given in all cases to members of the association; and said loans shall be made at such rate of interest, not exceeding six per cent., as may be agreed by the parties thereto, together with such premium therefor as may be offered by the parties to whom the loans may be made.

§ 6. The corporation may provide, in its by-laws, Make by-laws. what reasonable penalties shall attach for failure to pay the installments of stock at the time fixed therefor, and shall have full power to enforce such penalties by reasonable fine or forfeiture of such stock. It may provide also upon what terms members desiring to do so may withdraw from the association, and may also direct what officers shall be required to execute bonds with security for the faithful performance of their duties, and the amount of penalties in such bonds; and said bonds, when executed, shall be fully binding upon the obligors thereon; and may of members require the payment in advance, as may be fixed, of an amount per week, monthly or annually, of a contribution, by way of payment of ordinary expenses on each share, and also fix an invitation fee on each share.

§ 7. The officers and directors may, from time to time, adopt any rules for conducting the business

of the association applicable to the entire association, or particular rules or sets of rules applicable to each class, which rules and by-laws may be altered and changed from time to time, in such manner as may be provided in the original by-laws, none of which, however, shall be in conflict with this act or the general law.

Issue bonds. § 8. Said corporation, for the purpose of erecting buildings or securing lands, either as a general investment or for the purpose of sale, or for the benefit of members, upon such terms as may be agreed upon, or for other good purposes in accord with the safety and good of the association, or any of its classes, may issue its bonds; but no bonds shall be issued without the consent of the association, which bonds shall bear a rate of interest not exceeding six per cent. per annum, payable annually or semi-annually.

Additional lien. § 9. In addition to the mortgage or other lien or other security which may be given by a stockholder to the association to secure any loan which may be made, a first lien is hereby given to the association upon the interest and stock of any such shareholder in said association to secure it in such indebtedness.

New classes. § 10. A new class or classes may be opened, and deposits or dues paid in thereon, at any time the board of directors may determine; the board of directors and officers, as heretofore provided, shall be elected by the stockholders of the class longest in existence, and there shall be but one board of directors, and these shall have the government of all the affairs of the association; each class shall be known and designated by a particular letter of the alphabet or number; no part of the profit or loss of any one class shall be credited to or charged against any other class; but in all things, except as herein provided, each class shall be treated as separate and distinct; but two or more classes may be opened and conducted at the same time.

§ 11. No class shall consist of less than one hundred shares; no weekly or other dues or payment on a share shall be greater than five dollars or less than twenty-five cents. Installments or dues may be required to be paid at such times and periods as the board of directors may fix; shares may be fixed at not less than one hundred and not more than one thousand dollars par value; shares may be required to continue for a certain designated time, or until the net accumulations will enable the shares of a class to realize a designated sum; interest on loans may, by agreement, be charged, and deducted from the sum loaned in advance, but the rate of interest shall not exceed six per cent.

§ 12. Provisions may be made in the by-laws, if ^{Withdraw.} deemed expedient, for allowing stockholders in any particular class to withdraw from any such class or from the association upon such terms as may be fair and just; and the board of directors, if they deem it expedient, may open a building class, in which, with a borrowed or paid up fund, land may be purchased and buildings erected to be sold to the members of such class or others, preference being always given to members, and paid for in such manner and on such payments as may be agreed upon.

§ 13. The board of directors may employ such attorneys and agents to act for the association as, in their judgment, the business may require, and may fix the compensation for the services performed.

§ 14. Said association may unite and consolidate ^{Consolidate.} with any other association of a similar character doing business in the city of Lexington, upon such terms as may be mutually agreed upon; and all stock formed and opened under this act, and the stock of any association uniting and consolidating with it, shall, in all respects, be on the same footing, entitled to the same privileges and rights, as may be the stock and shares of such association and of this association, and liable to the same restric-

tions and burdens; and in the event of a consolidation, the consolidated associations may continue under the corporate name hereinbefore stated, or that of the association uniting with this one.

No banking
privileges.

§ 15. Nothing in this act shall be construed as investing this association with any banking privileges, beyond the mere power to lend its funds and take mortgages and liens to secure the same; no reserve fund shall be accumulated, but its fund shall, as far as practicable, be kept loaned out, preference always being given to members, and loaned to others only when members do not desire to borrow. No class shall have any advantage over any other class; all members in a particular class shall stand on an equal footing with the members in the same class; no lands shall be held or owned outside of Fayette county, unless in some contingency the association should be compelled to buy such to secure a debt; and in that event such lands shall be held no longer than such reasonable time as will allow the association to dispose of the same to secure the payment of its debt; and no real property shall be owned by the association within Fayette county as an investment, or for sale to and benefit of members, to a greater amount than one hundred thousand dollars, nor shall bonds of the association be issued for any purpose to a greater amount than that sum.

§ 16. This act shall take effect and be in force from and after its passage.

Approved March 19, 1888.

CHAPTER 573.

AN ACT to incorporate the Abdallah Park Association, of Harrison county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That W. H. Wilson, W. T. Handy, T. J. Me- Incorporators.
gibben, Joseph Fennell, Dr. J. T. McMillan, Ash
Welch and A. Ashbrook, and their associates, suc-
cessors and assigns, are hereby created a body-cor-
porate and politic, with perpetual succession, under
the name of "Abdallah Park Association;" and by
that name it may contract and be contracted with,
sue and be sued, plead and be impleaded, in all the
courts of law or equity; may acquire by purchase, Own land.
lease or otherwise, land, or a right to the use of land, in
Harrison county, for the use of the association; may
improve it; may sell and convey the same, or any
part thereof, at pleasure, and acquire or improve
other in its stead: *Provided*, That the quantity of
the land held by the association shall not exceed two
hundred acres; may acquire, hold and dispose of Object,
such personal estate as it may deem necessary and
proper for promoting the improvement in the various
breeds of cattle, horses, hogs and other live stock, by
holding exhibitions, awarding premiums in the vari-
ous classes for excellence, and by such other means as
it may deem proper. It may adopt and use a com-
mon seal as it may from time to time adopt.

§ 2. The capital stock shall not exceed fifty thou- Capital stock.
sand dollars, divided into shares of one hundred dol-
lars each, payable in such installments as the board of
directors may direct and provide. Payment of all
subscriptions may be enforced by suit in the name of
the society, or the shares upon which any payment
shall be in arrears, after the call made therefor, may
be forfeited by suit in any court of competent juris-

diction, at the option and by the order of the board of directors, in which cases payments therefor made upon such forfeited shares shall remain the property of the association.

By-laws. § 3. The board of directors shall provide for issuing to stockholders certificates of their stock when paid up. The stock shall be held to be personal estate, and shall be transferable only on the books of the association, in accordance with the by-laws upon this subject to be adopted by the board of directors ; and the board of directors may make all necessary and proper by-laws in reference to the issue, transfer and surrender of stock that it may deem necessary. The stockholders shall not be responsible personally for any debts or liabilities of the society.

Meeting. § 4. The first meeting of the society shall be held in the city of Cynthiana at such time as the persons named in the first section, or a majority of them, shall determine, and give due notice of, by advertisement in one or more of the public newspapers printed in said city, at which meeting there shall be elected, after the acceptance of the act of incorporation, a board of directors, consisting of a president, a vice-president, a secretary and five directors. The regular annual election shall be held in the city of Cynthiana on the second day of April in each year thereafter, or some other day in each year thereafter that the board of directors may fix and direct. At any regular annual meeting it may change the number of directors. If no election be made at the appropriate time, the board of directors may call a meeting of the society for that purpose. The president and directors shall hold their offices until the next regular meeting of the society, and until their respective successors are elected. Each holder of stock shall be entitled to one vote in the election of officers and directors, and in all meetings of stockholders, upon all questions that may be proposed to be voted upon, for each and every share of stock he may hold. Called meetings

Publication.

Officers.

may be held at any time, by order of the board of directors, upon notice published two weeks for specified objects. At regular meetings, or meetings held by adjournment over from regular meetings, the power of the society over it shall be absolute, except as controlled by this charter and the law of the land. At called meetings nothing shall be done except in relation to matters specified in the call. The association may lay out upon its grounds a track or tracks, Track. course or courses, for running or trotting races, and may conduct such races and award such stakes, premiums or purses as it may determine, and may sell, Premiums. or permit to be sold on its grounds, pools on any and all races that may be run or trotted upon its course or grounds.

§ 5. The prudential, fiscal, and other concerns of Management. the society, together with all its estate or interests of every kind, shall be under the control of the board of directors aforesaid, and they shall have power to appoint such officers as they may deem necessary in carrying out the purposes of the society; to take bond with security from any of them, as well as of the treasurer, for the faithful performance of their duties; to fill vacancies in any of these offices and the board of directors; to regulate, at their discretion, as they may think proper, admission to the grounds and participation in its fairs and races, and to make, alter, and modify such rules, regulations, and by-laws, and do all such acts, not inconsistent with the Constitution and laws of this State or of the United States, as in their opinion are requisite for the accomplishment of the objects of the association and for the good order and proper management of its exhibitions. Three directors, with the president or vice-president, shall be a quorum for the transaction of business.

§ 6. Said association may issue the bonds of the Bonds. corporation hereby created to any amount, not in all exceeding twenty-five thousand dollars, and not at any time to an amount exceeding one half the value

of its real estate, in sums of one hundred and five hundred dollars, made payable in not more than twenty years from date of issue, bearing interest of not more than six per cent. per annum, payable at such place as may be designated; and for said interest coupons may also be issued attached to said bonds, to be signed by the president of said association, and countersigned by the secretary thereof and the coupons by the secretary; and to secure the payment of said bonds and interest, said association shall have full power to execute a mortgage upon its real estate.

§ 7. Said association may open and keep an office for the conduct of its business in the city of Cynthiana.

§ 8. This act shall be in force from its passage.

Approved March 19, 1888.

CHAPTER 574.

AN ACT to incorporate Vincennes, Oakland City and Owensboro Railroad Company.

Preamble.

WHEREAS, The Vincennes, Oakland City and Owensboro Railroad has been duly organized under the laws of the State of Indiana, by virtue of which organization said railroad company is authorized to build, construct and operate its said road from a point within the city of Vincennes, in the county of Knox, in the State of Indiana, through the counties of Knox, Pike, Gibson, Warrick, and Spencer, in the said State of Indiana, to the Ohio river, at a point near to or opposite the city of Owensboro, Kentucky; and whereas, the said railroad company originally and now contemplates the extension of its road through the county of Daviess to a point within the city of Owensboro, Kentucky, or near thereto; now, because of the premises,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the present directors of this railroad com-^{Incorporators.}pany, to wit: Edward Watson and S. N. Chambers, of Vincennes, Indiana; W. A. Oliphant, of Union, Indiana; W. M. Cockrum, of Oakland City, Indiana; A. L. Powers, of Lynnville, Indiana; J. B. Cockrum, of Booneville, Indiana; J. C. Haines, of Richland, Indiana; J. C. Rudd and C. W. Bransford, of Owensboro, Kentucky, their associates and successors, are hereby created a body-corporate and politic, with perpetual succession, for the purpose of constructing a railroad from a point on the Ohio river, in Daviess county, Kentucky, opposite, or as nearly as may be, to the point where the Vincennes, Oakland City and Owensboro Railroad terminates, on the bank of said river, in Spencer county, Indiana, and thence through the county of Daviess to and within the city of Owensboro. The style and name of the corporation hereby created shall be the Vincennes, Oakland City and Owensboro Railroad Company.

§ 2. That the said railroad corporation shall have,^{Rights conferred} and there is hereby granted to it, all the rights, powers, privileges, franchises and immunities conferred upon it by the laws of the State of Indiana, under which it has been created and organized, in so far as the same are not in conflict with the laws of the State of Kentucky.

§ 3. The Vincennes, Oakland City and Owensboro Railroad is hereby empowered to build, construct and^{Build and operate road.} operate its said road in the county of Daviess, as provided in section 1 of this act; and it shall have power to purchase, acquire and hold all rights of way necessary to enable it to carry out the purposes for which this corporation is created, and it shall also have the power to acquire and hold such real estate as may be necessary for its depots, switches and machine shops.

§ 4. Said company, through its board of directors,^{Incorporation.} shall have and may exercise all the rights, powers and

privileges incident and necessary to the purposes of such corporation. It may contract and be contracted with in its corporate name, sue and be sued, plead and be impleaded, answer and defend, in all courts and places as a natural person; and have a common seal, and change and alter the same at pleasure.

§ 5. The Vincennes, Oakland City and Owensboro
Negotiate bonds. Railroad Company may, for the purpose of constructing, completing and operating its line of railroad, issue and negotiate its bonds, to be signed by the president and countersigned by the secretary, with the seal of the corporation affixed thereto, in any sum not exceeding ten thousand dollars per mile for each mile of road to be constructed through Daviess county, Kentucky, by the said corporation. The said bonds to be for five hundred dollars each, and to be payable at more than thirty years from their date of issue, each of the said bonds to bear interest from the date of their issue, at any rate not to exceed six per in any one year.

§ 6. That for the purpose of securing the payment
Execute mortgages. of said bonds and interest, said company may execute a mortgage or deed of trust, conveying said railroad and all its property and franchises to a trustee or trustees, and with such covenants and stipulations as may be necessary to effect the purpose and object of its execution. Said railroad company is further authorized and empowered to receive subscriptions from individuals to aid in building and constructing its said road, and to that end it may open books for receiving such subscriptions.

§ 7. The capital stock of this railroad company may
Capital stock. be increased from time to time, if necessary, for the purpose of constructing and completing its road, and furnishing it with machinery, rolling stock and depots.

§ 8. This act shall be in force from and after its passage.

Approved March 19, 1888.

CHAPTER 575.

AN ACT to amend the charter of the town of Bellevue, in Campbell county, and authorizing the issue of school bonds of the town.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. The board of trustees of the town of Bellevue, Issue bonds. in Campbell county, Kentucky, are hereby duly authorized and empowered to issue the bonds of said town, to be called "Bellevue School Bonds," to any amount not exceeding the sum of ten thousand (\$10,000) dollars; and to pledge the faith, credit and revenue of the town for the payment of the same; said bonds, or their proceeds, to be used exclusively, and for no other purpose, than the building of a school-house in said town.

§ 2. Said bonds shall be of the denominations of Denomination of bonds. one hundred, five hundred or one thousand dollars, as said board of trustees shall, by resolution or by ordinance, determine. They shall be numbered serially, commencing with the number (1) one. They shall be made payable fifteen years after date, with the option on the part of the town to redeem them, or any of them, five years after their date, bearing interest from their date at the rate of six per cent. per annum, payable annually, the interest as it matures, and the principal, when due, to be made payable at some place to be designated in said bonds. Interest coupons shall be attached, to be numbered serially, from one (1) to fifteen (15), and every coupon to bear the serial numbers of the bond to which it is attached. Each of said bonds shall be signed by the president of the board of trustees and countersigned by the town clerk, and shall have the seal of the town affixed thereto. Each of said interest coupons shall be signed by the town clerk. Said bonds and coupons shall be made payable to bearer, and shall pass by delivery. Said bonds, when so issued, shall be placed

in the hands of the president of the board of trustees, the town clerk and the town treasurer, who shall have the right to dispose of any of the said bonds at no less than their par value, and with their proceeds pay the cost of the school-house to be erected in said town. Said officers to report in writing to said board its actions in the premises, quarterly and oftener if required by said board, the number and amount of the bonds disposed of by them, and to whom. Said bonds shall be lithographed and issued in book form, with stub attached, showing the number, amount and date of issue of each bond, and to whom sold, and amount received therefor. Any person who shall use or appropriate any of their proceeds otherwise than in the manner herein directed shall be deemed guilty of embezzlement, and upon conviction punished as provided by statutes in case of embezzlement.

Levy taxes.

§ 3. The board of trustees of said town are hereby authorized to levy an additional tax each year of ten cents on the one hundred dollars, and to be levied every year until said bonds are paid off, and to be used exclusively to pay off said indebtedness. If any sum should remain over after paying off said bonds and the interest thereon, such sum shall be credited to the school fund of said town.

Improve streets.

§ 4. That the town of Bellevue, in Campbell county, Kentucky, be, and the same is hereby, authorized to improve any one side of any avenue, street, alley or way, or common, not less than one square in length, in said town, on the petition of the majority of abutting property-owners fronting on any such street, etc., or to improve any such one side of such street or alley or avenue, by such petition, where the opposite side of such street is not laid out in town lots or in the corporation.

§ 5. This act shall take effect and be in force from and after its passage.

Approved March 19, 1888.

CHAPTER 576.

AN ACT to incorporate the town of Huntsville, in Butler county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the town of Huntsville, in Butler county, ^{Limits.} is hereby incorporated. The corporate limits shall be as follows: Beginning at the north-east corner of D. Hunt's orchard fence, on West side of Rochester road, running a western course, in a line with said fence one hundred and fifty yards to a stone; thence a southern course to E. E. Abbott, north-west corner, on same side of said road, still south with her line to her south-west corner, in Coal Bank road; thence west to the corner of T. N. Penrod's field, on west side Coal Bank road; thence south with said fence to his south line; thence an east course, a straight line to a walnut tree near the corner of A. J. Jinkens' garden, on east side of said Rochester road; thence a straight line, an eastern, so as to strike F. P. Gains' fence, fifty yards east of his house; thence a straight line to E. E. Abbott's south-east corner, on north side of London road; thence with her line, between her farm and town lots, to her north-east and D. Hunt's south-east corner, at a spring; thence with D. Hunt's fence to a point opposite the beginning corner; thence a straight line to the beginning corner.

§ 2. That B. T. Mayhugh, Joseph R. Dabbs and T. ^{Trustees.} N. Penrod, be, and they are hereby, appointed trustees of said town, who shall choose one of their body as chairman, and another as clerk, and a majority of said trustees shall constitute a quorum to do business.

§ 3. The trustees appointed shall remain in office until the first Saturday in June, 1889, and until their successors are elected and qualified.

§ 4. And upon which day, and upon the first Satur- ^{Election.} day in June in each succeeding year thereafter, there

shall be elected three persons, to serve as trustees of said town for one year, and until their successors are duly elected and qualified.

§ 5. That J. B. Rowland shall act as police judge, and F. P. Gains is appointed marshal.

Oath.

§ 6. That said officers shall, before they enter upon the duties of their respective offices, take the oath prescribed by law, and the marshal shall execute bond in the county court, with approved security, conditioned for the faithful discharge of his duties.

Police judge

§ 7. Said police judge shall have concurrent jurisdiction with justices of the peace in the Huntsville precinct, in all criminal and penal cases, and shall be entitled to the same fees for similar services. The marshal shall have the same power, both civil and criminal, as constables of Butler county, and be entitled to the same fees for his services.

§ 8. That said trustees are hereby constituted a body-corporate; and in their name the trustees of the town of Huntsville may sue and be sued, and exercise all other privileges incident to municipal corporations.

Marshal.

§ 9. That said police judge and town marshal shall hold their office until the first Saturday in June, 1889, and until their successors are elected and qualified; thereafter they shall be elected at the same time and same place and for the same length of time as the trustees are elected.

Voters.

§ 10. That all citizens residing in said town and in said corporate limits sixty days before the town election, and who are qualified to vote and to hold office under the Constitution and laws of the United States and the Constitution and laws of Kentucky, are entitled to a vote and hold office in said town.

Election officers.

§ 11. The board of trustees created under this act shall provide, prior to the first election, proper officers for holding the same; and they shall give at least ten days' notice of the time and place of holding said election by written notice, posted in at least three public places in said town.

§ 12. Said trustees shall make and enforce all ^{By-laws.} needful by-laws and rules for the government and regulation of said town, not inconsistent with the Constitution and laws of the United States or of the State of Kentucky; and they may do and perform all needful acts to promote and carry out the chief objects of this corporation, to wit: The improvement of said town and its good government.

§ 13. All fines and forfeitures recovered before the ^{Fines.} police court of said town shall be paid, when collected, to the trustees of said town and all money paid over to said trustees as aforesaid shall be used in maintaining the government of said town in keeping in repair the streets of same.

§ 14. All vacancies in the officers by death, failure ^{Vacancies.} to act, removal or otherwise, shall be filled by appointment of the trustees, two-thirds of same acting for that purpose.

§ 15. This act shall take effect from and after its passage.

Approved March 19, 1888.

CHAPTER 577.

AN ACT to reincorporate and amend the laws for the town of Campbellsville, Taylor county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the present members of the board of ^{Trustees.} trustees of said town be, and they are hereby, appointed trustees of said town, and shall constitute the board of trustees of Campbellsville under this act; and three of said trustees shall hold the office of trustee until the second Monday in May, 1888, two of them until the second Monday in May, 1889, and two of them until the second Monday in May, 1890, and until their successors are duly elected and qualified, as hereinafter provided. Said trustees shall determine

by lot who of them shall hold the office of trustees for the respective periods above mentioned.

§ 2. That from and after the second Monday in May, 1888, the board of trustees of said town shall be composed of six trustees, two of whom shall be elected by the legally qualified voters of said town on the second Monday in May, 1888, and shall hold their office for the period of three years, and until their successors are duly elected and qualified; and on the second Monday in May, 1889, and on the second Monday in May of each year thereafter, two trustees shall be elected by said voters, and said trustees shall hold their respective offices for a period of three years from and after their election, and until their successors are duly elected and qualified. That for the purpose of electing the trustees as aforesaid, an election shall be held in said town on the second Monday in May, 1888, and on the second Monday in May of each year thereafter, at such place as the trustees may appoint, and of which at least ten days previous public notice shall be given, by written or printed notices posted at at least five public places in the town by the town clerk; and two judges, to be appointed by the board of trustees; and the two persons having the highest number of votes cast at said election for the office of trustee shall be declared elected, and the town clerk shall issue certificates of election to them.

§ 3. That an election shall be held in said town on the first Monday in August, 1888, at which there shall be elected by the qualified voters of said town a police judge and a marshal, and every second year thereafter there shall be elected by said voters a marshal, and every fourth year a police judge for said town; the marshal shall hold his office for two years, and the police judge for four years, until their successors are elected and qualified. Said election shall be held in like manner, and under like notice, as the election of trustees provided for herein.

§ 4. No person shall be eligible to the office of trustee or marshal who is not a citizen of said town, and a qualified voter thereof, and has not resided in said town at least twelve months preceding his election. No person shall be eligible to the office of police judge unless he possesses the qualifications of county judges required by law of this Commonwealth, and shall have been a *bona fide* citizen of said town for at least two years preceding his election, and shall have been a regularly licensed attorney at law of at least four years' practice.

§ 5. All other officers of said town shall be citizens thereof, and over the age of twenty-one years.

§ 6. That every person elected or appointed to office under the provisions of this act shall take and subscribe, before some authorized officer, the oath of office prescribed by the Constitution of this Commonwealth, and file a certificate thereof with the clerk of said town, and shall execute the bond required and prescribed by the provisions of this act, and by-laws and ordinances of this said town, before he enters upon the duties of his office.

§ 7. When a vacancy shall occur in any office filled by election, it shall be filled by the appointment of the board of trustees until the next regular election of such officer, or until his successor is elected and qualified.

§ 8. When two or more candidates for any elective office shall have an equal number of votes, the board of trustees shall determine, by lot, in such manner as may to them seem best, who shall hold said office, and such determination shall be made in the presence of at least three other persons, citizens of said town, and the same shall be spread upon the records of said board.

§ 9. The trustees shall, before every annual town election, appoint two judges to assist the clerk in holding the same. The compensation of said judges shall be fixed by the trustees; but their liabilities

shall be the same as the officers of State elections under the general laws of this Commonwealth.

§ 10. The elections herein provided for shall be held between the hours eight o'clock in the forenoon and five o'clock in the afternoon ; and all laws in force in this Commonwealth punishing illegal voting or illegal acts at the State elections, shall apply to illegal voting and illegal acts at the town elections in said town, subject to the provisions of this act as to the qualification of voters.

§ 11. All qualified voters, under the laws of this Commonwealth, who shall, at the time of offering to vote at a town election, have resided in the town six months previous thereto, shall be qualified to vote at such elections for said town.

§ 12. The board of trustees shall judge of the qualifications, elections and returns of its members ; and cases of contested elections for any town office elective by the people shall be heard and determined by the trustees under such rules and regulations as they may, by ordinance, prescribe.

§ 13. The town clerk shall certify to the Secretary of State the name of the person elected to the office of police judge, and the Governor of this Commonwealth shall issue a commission to such officer.

§ 14. The poll-books of all elections for said town shall be preserved by the town clerk as part of the records of his office, and he shall examine and compare the same and issue certificates of election to the persons elected, which certificates, before being delivered, shall be approved by and spread upon the record of the board of trustees.

§ 15. The first election under this act shall be held on the second Monday in May, 1868, and the government of said town prior to that time shall consist of the various officers now in office, subject to the other provisions of this act.

Powers and Duties of Trustees.

§ 16. That said board of trustees and their successors shall be a body-politic and corporate, and shall be known and called by the name and style of the Board of Trustees of Campbellsville; and by that name shall be capable in law, for and in behalf of said town, of contracting and being contracted with, of suing and being sued, of defending and being defended, of pleading and being impleaded, in all courts; and of taking, holding, purchasing, leasing, and conveying such real and personal estate as the purposes of the town may require within or without the limits of said town; and in all courts and places may do all things which a body-corporate, with perpetual succession, may lawfully and rightfully do within the limits of the powers herein granted.

§ 17. That all the legislative power and authority of said town, together with the fiscal, prudential and municipal concerns thereof, and the government and control of same, shall be vested in said board of trustees.

§ 18. That the officers of said town not hereinbefore provided for shall be a clerk, treasurer, assessor, collector, and attorney, and such other officers and employes as the trustees, from time to time, shall appoint. Any vacancy occurring by death, removal, resignation or otherwise, of any officer appointed by the board of trustees, may be filled by said board.

§ 19. That the board of trustees shall hold stated meetings, and the chairman, or, in his absence, the town clerk, may call meetings by notice to each of the members. A majority of the members elected shall constitute a quorum. At the first regular meeting after their qualification the said board of trustees shall select one of their members to preside over their meetings, who shall be styled "Chairman of the Board of Trustees of Campbellsville." The said chairman shall not vote on any matters before the board, except in cases of a tie vote by the other members present.

In the absence of the chairman any member of the board may be selected to discharge his duties for the time.

§ 20. That the board of trustees shall have the power to make, ordain and publish and enforce all such ordinances, by-laws, police and sanitary regulations for the good government of said town, and to protect the health, security, trade and commerce thereof, that they may deem necessary or expedient, not contrary to the Constitution and laws of this State; and they may enforce the observance of all by-laws, ordinances and regulations made in pursuance of this act by imposing penalties, not to exceed one hundred dollars fine, and by imprisonment in the county jail, not to exceed fifty days.

§ 21. That the board of trustees shall have the management and control of the finances and all the property, real, personal and mixed, belonging to said town, and shall have power to provide for the erection, repair, maintenance and government of all public buildings for the town. They shall have power, within the local jurisdiction of said town, by ordinance or by-law—

1. To restrain and prohibit all descriptions of gaming, fraudulent devices, playing at cards or other game of chance, whereat any thing of value is bet, won or lost.

2. To license, tax, regulate, or prohibit billiard tables, pool tables, or pigeon-hole tables, and all similar tables and contrivances, nine or ten-pin alleys, ball-alleys and shooting galleries.

3. To license, tax, regulate, or prohibit all concerts, exhibitions, shows, circuses, theatrical performances, and all other exhibitions and amusements.

4. To restrain or suppress disorderly houses, groceries, saloons, halls and houses of prostitution; to restrain, suppress and punish indecent or profane language or conduct, and restrain and punish vagrants and common prostitutes; to restrain, regu-

late and prohibit the running at large of horses, swine and other animals, and to impose penalties on the owner of such animals for a violation of any ordinance or by-law in relation thereto.

5. To license, tax and regulate auction sales and auctioneers, peddlers, itinerant vendors of medicines, or other goods, wares or merchandise; also teamsters, studs, bulls and jacks, and all agents of insurance and lottery offices and agencies doing or offering to do or pretending to do business in said town, and to prevent any business of the above-named kind being done in said town without license.

6. To declare what are nuisances, and to provide for the abatement thereof.

7. To license or not license, tax and regulate within said town, and within one mile thereof, hotel or tavern-keepers, saloon or coffee-house keepers, grocers, merchants, druggists and keepers of other places where spirituous, vinous or malt liquors are sold, and to restrain and punish the sale of such liquors, or any of them, without license; and the said trustees may, by ordinance, prohibit the sale of such liquors, or any of them, within said town and within one mile thereof. The amount to be paid for license, if said board, in their discretion, shall authorize license to issue to sell spirituous, vinous or malt liquors in any hotel or tavern or saloon or coffee-house, shall be not less than one hundred (\$100) nor more than five hundred (\$500) dollars for the period of one year. The amount to be paid by any druggist for the privilege of retailing such liquors, or any of them, by prescription, for one year, shall not be less than one hundred dollars and not more than three hundred dollars; any merchant, druggist or grocer who shall obtain a license from the trustees to sell such liquors in quantities not less than a quart, shall pay for such license for one year the sum of not less than seventy-five nor more than three hundred dollars. Before any person

shall have the right to sell spirituous, vinous or malt liquors within said town, or within one mile thereof, he shall present to the treasurer of said town a certified copy of the order of the board of trustees granting him license, and pay said treasurer the amount charged therefor as fixed by the by-laws or ordinances of said town; and any person who shall sell such liquors, or any of them, within said limits without having complied with the provisions of this section, shall be deemed guilty of retailing liquor without license, or be deemed guilty of keeping a tippling-house, as the case may be, and shall be fined the sum provided by the General Statutes for such offenses. The amount to be paid for any other license provided for under this act shall be fixed by the board of trustees.

8. To prohibit the giving away of any spirituous, vinous or malt liquors to any minor or apprentice without the written consent of his or her guardian, parent, master or mistress; and they may prohibit the giving away of such liquors to any person whatever, and fix the penalty therefor.

9. To regulate and license butchers, and to revoke their license for immoral conduct, etc., in the course of their trade.

10. To authorize the clerk of the board to issue license and direct the time and manner of issuing them, and the fees to be paid therefor. No license granted under the provisions of this act shall be transferable, and no license shall be granted by said town until all general laws in that respect has been complied with.

11. To prevent horse-racing, immoderate riding or driving in the said town, and to punish abuse of animals, and compel persons to fasten or otherwise secure their horses, mules or oxen or other animals, while attached to vehicles while standing or remaining on the streets.

12. To regulate the keeping of gunpowder or any other combustible or dangerous material.

13. To have exclusive power over the streets, alleys and sidewalks, and to remove or abate any obstruction or encroachment therein or thereon, and to prevent the encumbering of the streets, sidewalks, lanes, alleys and public grounds with carriages, buggies, carts, sleighs, wagons, wheelbarrows, boxes, lumber, timber, fire wood, brick, stone, post awnings, signs, or any substance or material whatever.

14. To make regulations to prevent the spread of any contagious diseases in said town.

15. To appoint watchmen and policemen, and prescribe their duty and pay, not inconsistent with the law.

16. To provide for the security of said town against fire, by the purchase of fire engine or other fire apparatus; by the organization of a fire company; appoint officers, &c., and make rules and regulations for the government thereof; to acquire, by donation or purchase, lands for cemeteries, either within or without the town limits. They shall have the power to lay out said cemetery in lots, and sell the same; to improve the cemetery, and to exercise full control over the same, and to enforce the proper regulations and management thereof, and to punish all trespassers thereon by fines or penalties. They are invested with full control of the cemetery already established, and may keep the same in repair at the expense of the town.

17. To provide the town with water in any manner they may deem proper, and to establish, make and regulate public wells, pumps and cisterns.

18. To exclusively regulate, control, repair, grade, pave and macadamize and clear the streets and alleys, bridges, side and cross-walks, and open, widen, straighten, extend and vacate streets and alleys according to law.

19. To establish hospitals and pest-houses, and

make regulations for the government thereof, and discontinue the same at pleasure.

20. To do all acts and make all regulations which may be necessary for the preservation of health and the suppression of disease.

21. To prohibit any work or business being done on the Sabbath day, and to punish any person found at or engaged at any work or business on that day, except it be the ordinary household offices of daily necessity, or other work of necessity or charity: *Provided*, That persons who are members of any religious society, who observe any other day than Sunday for the Christian Sabbath, shall not be punished if they observe, as a Sabbath, one day in each seven.

Powers and Duties of Officers.

§ 22. That the chairman of the board of trustees shall preside over the meetings of the board, and take care that the laws of the Commonwealth and the by-laws and ordinances of the town are enforced, and that all the executive officers of the town discharge their respective duties. The chairman shall likewise have the power to perform the duties of police judge in all prosecutions for violating any town ordinance; in cases where, from a vacancy in the office of police judge, or from absence, sickness or other cause, the police judge does not and can not act, and he shall be allowed the same fees therefor as the police judge or clerk is allowed; he shall account for and pay over to the treasurer all fines or other moneys received by him in his judicial capacity.

§ 23. That the clerk of the board of trustees shall keep the corporate seal, if there be one, and make and keep a record of the proceedings of the board of trustees, at whose meetings it shall be his duty to attend; and copies of all papers filed in his office, and transcripts from the proceedings of the board of trustees, certified by him, shall be evidence in all courts. He shall likewise draw warrants on the treas-

ury, and countersign the same, and keep an accurate account thereof in a book provided therefor, and perform such other duties as the trustees may, by ordinance or by-laws, require of him. He may receive as compensation for his services such sum as the board of trustees may allow him.

§ 24. That the treasurer shall receive all moneys belonging to the town, and keep an accurate account of all receipts and expenditures, in such manner as the board of trustees may direct. All money shall be drawn from the treasury by warrant of the chairman or that member of the board of trustees acting chairman, countersigned by the clerk. Such warrant shall specify for what purpose the amount therein is drawn. The treasurer shall exhibit to the board of trustees, on the first Monday in May of each year, and oftener if required, a full and detailed account of all receipts and expenditures, and also the state of the treasury, which account shall be filed in the office of the clerk, and by him spread upon the records of his office.

§ 25. That it shall be the duty of the marshal to attend the sittings of the police court, to execute all process, civil and criminal, issued and to him directed by the chairman of the board of trustees, the police judge, the presiding judge of Taylor county, or a justice of the peace, and all process placed in his hands for execution, which a constable is authorized by law to execute. He shall possess the power and authority of a constable in this Commonwealth, and his powers for discharging his duties shall be co-extensive with Taylor county. He shall be entitled as compensation to the same fees as allowed by law to constables for similar services, and collectable in the same manner as constables fee-bills are. He may or may not be appointed collector for said town by the board of trustees; but if appointed, he shall be required to give, in addition to his marshal's bond, his bond as collector

to the board of trustees, to be approved by them and filed with their clerk.

§ 26. That it shall be the duty of the collector to collect all taxes which may be levied by the board of trustees, and pay the same to the treasurer as fast as he may collect the same; and he shall perform such other duties as may be herein prescribed or required by the board of trustees.

§ 27. That the assessor shall perform all the duties which the trustees may, by by-laws or ordinance, prescribe in relation to assessing the property for taxation by the board of trustees. If any person refuses to give a correct list of his taxable property, when legally called on to do so, shall be fined not less than five nor more than fifty dollars, in the discretion of the police judge.

§ 28. That the board of trustees shall have power, at any and all times, to require further and other duties of all officers whose duties are herein prescribed, and prescribe the powers and duties under this charter of all officers elected or appointed under this act to any office under this act whose duties are not herein specifically mentioned, and fix their compensation.

§ 29. The treasurer, collector and marshal shall severally, before they enter on the duties of their respective offices, execute a bond, payable to the board of trustees of Campbellsville, with such conditions and sureties as the board of trustees may approve, conditioned that they will faithfully execute the duties of their respective offices, and pay over to such persons, and at such times as they may respectively be entitled to the same, all moneys or property that may come to their hands as such officers; which bond, with the approval of the board of trustees certified thereon by the clerk, shall be filed and carefully kept in the office of the clerk of the Taylor county court. Said board of trustees may also require bond to be executed by the other officers of said town, the forms thereof to be prescribed by ordinance, which

bonds shall be filed with and kept by the clerk of said board.

§ 30. That the board of trustees of Campbellsville, or any other person injured by the breach of any or either of said bonds, may, in any court having jurisdiction, prosecute suit or notice on said bond against any officer by whose breach of duty they have been injured, and his sureties, or any or either of them, or the personal representatives, heirs or devisees of any or either of them, as now provided by law for proceedings against sheriffs or constables on their bonds, and the said bonds shall not be satisfied by the first or any other recovery thereon until the board of trustees and every person aggrieved by the acts of omission of such officer shall have been recompensed.

§ 31. That if any person, having been an officer in said town, shall not, within ten days after notification and request, deliver to his successor in office all the property, papers and effects of every description in his possession belonging to said town or appertaining to the office he held, he shall forfeit and pay for the use of said town one hundred dollars, besides all costs and damages for his neglect or refusal to do so, which shall be recovered by action in the police court.

Police Court.

§ 32. That the judicial power of said corporation shall be, and is hereby, vested in and shall be exercised by a court, to be styled "The Campbellsville Police Court," which shall be held by one judge, to be styled the judge of the Campbellsville police court, who shall be elected as provided in this act.

§ 33. Said police court shall have exclusive original jurisdiction to hear, try and determine finally all actions, prosecutions or other proceeding for the violation of the ordinances and by-laws of said town; and shall have concurrent original jurisdiction with justices of the peace of Taylor county in all penal and criminal cases which said justices now have or

may hereafter be given them by general law ; and shall have concurrent original jurisdiction with the Taylor circuit court to hear, try and determine finally all prosecutions, actions and proceeding for misdemeanors against the laws of this Commonwealth committed in Taylor county. The judge of said police court shall have jurisdiction to hold examining courts in felony cases, and for his services in holding examining courts shall receive the same compensation as is allowed by law to justices of the peace for similar services, to be paid as said justices' fees are directed by law to be paid.

§ 34. Said police court shall have concurrent original jurisdiction with justices of the peace of Taylor county of all matters of law and equity in the limits of said county, in all actions or proceedings for the recovery of money or personal property, when the matter in controversy, exclusive of interest and costs, does not exceed fifty dollars, and concurrent original jurisdiction with the Taylor circuit court when the matter in controversy, exclusive of interest and costs, does not exceed five hundred dollars in value ; and said police court shall have the same power and authority to enforce its orders and judgements as the circuit courts of this Commonwealth have.

§ 35. If, in any action in the police court, except as herein provided, it shall appear, during the pendency thereof, that the title of real estate is involved in the controversy, it shall be the duty of the court, on the motion of either party to the action, to make an order transferring it to the Taylor circuit court ; and it shall be the duty of the clerk of the police court to deliver the original papers, and certified copies of all orders made in said action, to the clerk of said circuit court ; but if judgment be rendered by the police court, the title to real estate shall not be affected thereby.

§ 36. All appeals from the judgments of said police court in criminal and penal cases shall lie to the Taylor circuit court, but no appeal shall be taken

unless the judgment shall exceed twenty dollars, exclusive of interest and costs ; but the board of trustees of said town shall be entitled to an appeal from any judgment of said court deciding against the constitutionality or validity of any portion of this charter, or any of the ordinances of said town, and said appeal may be directly to the Taylor circuit court, or to the Court of Appeals.

§ 37. The judge of said police court shall have authority to issue and try writs of forcible entry and detainer, and power to grant injunctions, restraining orders, attachments and writs of *habeas corpus* ; and for issue and granting or trying any of which he shall be entitled to the same fees now allowed for similar services.

§ 38. That all proceedings in, and processes from, said court, and all prosecutions for a violation of city ordinances of said town, shall be in the name of the board of trustees of said town ; and all prosecutions for misdemeanors against the laws of this State shall be in the name of the Commonwealth of Kentucky ; that all fines, judgments and forfeitures of said court, whether for violations of town ordinances or the laws of the State, shall be for the use and benefit of said town : *Provided*, The offenses against the State laws for which said fines, judgments and forfeitures are rendered are committed within the limits of said town ; all other fines and judgments in criminal and penal actions shall be for the use and benefit of the Commonwealth of Kentucky.

§ 39. All processes in civil and criminal causes shall be made returnable to the police court or before the judge thereof, and may be directed to the town marshal, sheriff, constable, coroner, or any peace officer of Taylor county ; and a policeman of said town shall be deemed a peace officer, so far as the services of process in criminal and penal causes are concerned.

§ 40. The judge of the police court shall have the same powers and authority to enforce order and de-

corum in said court, and to compel the attendance of witnesses and punish for contempt, as the circuit judges of this Commonwealth have.

§ 41. The police court shall be held at the courthouse in said town, or at such place as the board of trustees may, by ordinance, designate. The judge of said court shall have power to fix such times for holding said court for the trial of criminal and penal causes as the number of cases coming before said court, in his discretion, may seem to require.

§ 42. The regular terms of said court for the trial of civil causes shall be held on the second Monday in each month of the year, except the months of January and October, and may continue from day to day until the business thereof is disposed of.

§ 43. That the judge of said court shall be the clerk of the same, and in all prosecutions for violations of town ordinances, and misdemeanors against the laws of the State, committed within the limits of said town, he shall tax, in all bills of costs, such fees as are allowed clerks of the circuit courts of this Commonwealth for similar services, said fees to be for the use and benefit of said town; and in all other criminal and penal prosecutions he shall be entitled to charge and tax the same fees as is or may be allowed by law to clerks of the circuit courts for similar services, except as herein provided. In all civil matters, when the jurisdiction is concurrent with that of justices of the peace, he shall be entitled to the same fees as are now or may be hereafter allowed by law to them; and when the jurisdiction of the police court, in civil matters, is concurrent with the Taylor circuit court, he shall receive the same fees allowed by law to the circuit court clerks of this Commonwealth for similar services: *Provided, however,* That said police judge may, by order entered upon his order-book, appoint a clerk of said court, and may remove him at his pleasure; and the person so appointed shall perform the duties of a clerk to said court during his

continuance in office, and shall receive for his services the fees authorized to be charged for such services herein.

§ 44. All prosecutions and proceedings for violations of the town ordinances, and for misdemeanors against the laws of this Commonwealth, may be tried in the police court on information, on oath filed and a warrant or summons issued, without the intervention of a grand jury.

§ 45. In all civil proceedings in said court, where the amount in controversy, exclusive of interest and costs, does not exceed fifty dollars, the pleadings may be oral; but in all other civil cases in said court the pleadings shall be in writing.

§ 46. The pleadings and practice and mode of procedure in said court, in criminal and penal cases, shall be governed by the Criminal Code of Practice of this State, and in all civil causes shall be governed by the Civil Code of Practice of this State.

§ 47. The said police court shall be a court of record, and the records thereof, or certified copies of the same, over the signature of the judge or clerk thereof, shall be evidence in any court in this Commonwealth.

§ 48. The judge of the police court shall be a conservator of the peace, and may issue warrants of arrest or summons for offenders against the laws of the town and State, when, from information given him upon oath of any person, he shall be satisfied that there are reasonable grounds to believe an offense has been committed; and for offenses committed in his presence he may order an arrest without a warrant; the person so offending to be dealt with according to law.

§ 49. That the judge of the police court, or the clerk thereof, shall keep a docket book, order or judgment book, execution book, and a book for noting attendance of witnesses in criminal and penal causes, and a similar set of books for civil causes, which shall be furnished and paid for by the town.

§ 50. When the jurisdiction of the police court in

civil matters is concurrent with the Taylor circuit court, a tax of fifty cents shall be paid to the judge thereof, for the purposes and under the conditions as when such tax is paid to circuit clerks, and the same rules that circuit clerks, in the taxation of attorneys' fees, shall apply to the police court or the judge thereof.

§ 51. The judge of the police court shall receive an annual salary, not to exceed five hundred dollars, to be fixed by the board of trustees, and to be paid quarterly out of the town treasury, on a warrant drawn in his favor by the clerk of said town on said treasury; and in addition to the amount paid him by said trustees, he shall receive from the State Treasury one hundred dollars annually; that the State Auditor shall, every six months, issue his warrant upon the Treasurer of State for fifty dollars, in favor of said police judge of the town of Campbellsville.

§ 52. The law governing the election of special judges of circuit courts shall, as to the cause therefor, and mode of election, apply to the election of a special judge of the said police court: *Provided*, The town marshal shall perform the duties in regard thereto, and as required of circuit court clerks in the election of special judges. The special judge of the police court shall possess the qualifications of the regular police judge.

§ 53. That all appeals from the judgment of said court in civil matters shall be to the Taylor circuit court; but no appeal shall be granted unless the amount in controversy, exclusive of interest, exceeds twenty dollars, and shall be taken in the same manner as appeals from other inferior courts are taken to the circuit courts.

§ 54. That said police court, or the judge thereof, shall have all the powers necessary to fully effectuate and make complete and effective the jurisdiction and authority herein conferred.

§ 55. Before the issuing of any executive or other

final process on a judgment for a fine or forfeiture in said court, the defendant may pay the same to the judge of the court. The defendant may, before or after the issuing of any execution or *capias pro fine*, replevy for (3) months any judgment, fine or forfeiture of the police court in the manner allowed by law in similar cases in courts of similar jurisdiction in this Commonwealth.

§ 56. A return of not found on a *capias pro fine*, and of no property found on a *feri facias* issued on any judgment of the police court, shall authorize an equitable proceeding in favor of the trustees of Campbellsville against the estate of the defendant for the purpose of enforcing the satisfaction of such judgment, as a return of no property found authorizes such proceeding in civil courts.

§ 57. Upon all judgments for fines rendered by said court, which shall not be paid or replevied at the time of rendering the same, an execution against the estate of the defendant may be issued, or a *capias pro fine* may be issued, requiring the imprisonment of the defendant in the county jail until the same shall be paid or replevied ; but the imprisonment shall not exceed one day for each one dollar of such fine : *Provided*, That said court may, in its discretion, assign such defendant so fined to hard labor for the benefit of the town, until he shall pay the fine and costs adjudged against him, at the rate of one dollar per day ; such defendant shall not be required to labor more than eight hours per day ; while at labor, such defendant shall be under control of the town marshal or some other person appointed by the board of trustees, who shall be responsible on his official bond for the escape of the defendant ; when not at labor, such defendant shall be imprisoned as provided in this section ; and for the purpose of putting him in jail and taking him out to labor, a certified copy of the judgment assigning him to work shall be sufficient authority to the marshal or other person appointed to control

said defendant and to the jailer ; all persons sentenced to imprisonment by judgment of said court may be assigned to labor in like manner as those fined ; when persons are imprisoned or confined in the county jail, as contemplated by the provisions of this act, the jailer's fee shall be paid by the town.

Streets and Alleys.

That the board of trustees of Campbellsville shall cause all streets, alleys or public grounds laid out by them to be surveyed and described, and a description thereof to be recorded in a book kept for that purpose by the clerk of said town, showing particularly the proposed improvements and the real estate required to be taken ; and such streets and alleys, when opened, shall be public highways.

§ 58. That whenever the public convenience may, in the opinion of the board of trustees, require any street or alley, lane or highway, to be opened, laid out, extended, changed, straightened or altered, or any public grounds to be laid out or to be opened, they may obtain or purchase from the owners thereof such real estate as may be necessary therefor, and obtain from such owner or owners a conveyance of such real estate, which conveyance shall be recorded in the office of the clerk of the Taylor county court.

§ 59. That in all cases where the board of trustees can not or do not obtain or purchase such real estate, and receive conveyances therefor, they shall have power to cause to be filed in the Taylor county court a petition, in which the board of trustees of Campbellsville shall be made plaintiffs and all the owners of such real estate and the guardians of infant owners shall be made defendants ; but it shall not be necessary to swear to said petition. Said petition shall describe the street, alley, lane, highway or public grounds that is sought to be laid out, altered, extended, widened or straightened, the character of the proposed improvements, where situated, and the

names, if known, of the owners of the real estate required to be taken. If any of said owners are non-residents or infants, the petition shall state who are non-residents and who are infants, and who are the guardians of such infants, if such there be; and all such owners, and the guardians of such infants, shall be summoned actually as required by the Civil Code of Practice as in ordinary actions, if residents of this State; and the non-resident owners, if any, shall be warned as required by said Code, and *guardians ad litem* shall be appointed for said infants, who shall answer; and an attorney shall be appointed for any non-resident defendant or defendants in the way and manner required in said Code of Practice, and his duties shall be as therein prescribed; and after all the defendants shall have been so actually and constructively summoned before the court, and the answer of the *guardian ad litem* and the report of the attorney for the non-residents shall have been filed, the county court shall appoint two intelligent, competent and disinterested citizens of said town, who are housekeepers and not akin to either of the parties, as commissioners to ascertain and report the damages that will accrue to the owner or owners of said real estate. If the opening, alteration, extension, widening or straightening of the street, alley, lane, highway or public grounds that is sought in the petition shall be made, said commissioners, being first duly sworn to discharge their duties herein, shall, by actual view of the premises, and from such evidence as may be offered before them by either side, ascertain and assess the damages, including the value of the real estate proposed to be taken, that will accrue to or be sustained by the owners of such real estate, if the improvement proposed in the petition shall be ordered to be made. Said commissioners shall file a written report of their assessment, together with the evidence taken before them, in the office of the county clerk, at least five-

days before the next regular term of the Taylor county court after their appointment, at which court the plaintiffs, or any of the defendants, may file exceptions to said report, and at said term the county court shall hear such exceptions, if any, to said report, and shall approve and confirm, or alter or quash the same; or he may, for cause shown, continue the hearing of such exceptions until the next term of the court; and if, upon the final hearing, the court shall approve or alter the amount of damages assessed in said report, he shall give judgment for such amount so determined by him to the party or parties entitled thereto, to be paid by the said board of trustees out of the treasury of the funds of said town; and shall order the street, alley, highway, or public grounds to be laid out and opened upon the payment of said damages. That from such judgment of the Taylor county court either party aggrieved may take an appeal to the Taylor circuit court. If such an appeal be taken, the clerk of the county court shall deliver all the papers and transcript of the records pertaining to said suit to the clerk of the Taylor circuit court ten days before the next term of the said circuit court, and said circuit court shall hear and determine the said report of said commissioners and the exceptions thereto, and by its judgment confirm or modify said or quash said report. If said court shall confirm or modify the amount of said assessment of damages, it shall order that, upon the payment of the amount so determined by it to the parties entitled thereto by the said board of trustees, the said board shall lay out and open, or alter or widen or straighten the street, alley, highways or public grounds mentioned in the petition, and upon the payment of such damages said real estate so taken shall be public property, and under the control of the board of trustees: *Provided*, That at any time before such order shall be made to lay out or open any such street, alley, highway or

public grounds, the board of trustees may abandon the preceding, being responsible for all costs that may have accrued to any party to said proceedings; and in such event the public grounds, street, alley or highway shall not be opened out.

§ 60. That the owners in front of, or upon whose premises the board of trustees shall order and direct curbing and sidewalks to be reconstructed, repaired or relaid, shall make, repair or relay such curbing or sidewalks at their own expense, and in the manner and with the material and in the time prescribed by the trustees by ordinance or otherwise; and if not done in the manner, with the material, and within the time so prescribed, the board of trustees may cause the same to be constructed, repaired or relaid, and assess the expense thereof, by an order to be entered upon the record of their proceedings, upon such lots respectively, and collect the same by warrant and sale of the premises as in the case of taxes. A suit also may be maintained by the board of trustees in favor of said town against said owners for such improvement. But this section shall not apply to the lands and lots of infants, married women, lunatics or idiots, nor to agricultural lands, unless their guardians or committees be personally notified. That no person shall be required to make a sidewalk in front of his or her premises until after the street in front shall have been graded and macadamized at the cost and expense of the town.

Taxation.

§ 61. That the board of trustees of Campbellsville shall have power, subject to the exceptions hereinafter mentioned, to annually levy and collect taxes, not exceeding fifty cents on each one hundred dollars' worth of all the real estate in said town, including the improvements on such real estate, and upon all personal estate, including stores, groceries and factories, shops,

as well as bonds, notes, stocks and other evidences of debt: *Provided*, That in listing money, notes, and other debts due a citizen, he may deduct from the gross amount due him an amount equal to the debts due from him, and also upon each one hundred dollars' worth of railroad and railroad property within the corporate limits of said town, the value thereof to be assessed as provided for by the general laws of this State.

§ 62. That there shall be exempt from taxation under this act all lands within the limits of said town used exclusively for farming purposes, unless said lands should be at any time divided into town lots, then they are to be taxed as other property. There shall also be exempt from taxation, under this act, all public property belonging to said town, the county of Taylor, or the State of Kentucky, and all churches and parsonages, and all grounds dedicated to such uses, school property, and a cemetery belonging to said town.

§ 63. That the board of trustees shall also have power to annually levy and collect a tax per capita upon each and every male inhabitant in said town over the age of twenty-one years, not exceeding two dollars in any one year, and a tax not exceeding one dollar on each dog over one that any person may keep, or suffer to be kept, on his premises.

Assessment and Collection of Taxes.

§ 64. The board of trustees shall have power, by ordinance, to prescribe the form of assessment rolls and prescribe the duties and define the power of assessors, and make such rules and give such directions in relation to attending, revising or adding to the rolls as they may deem proper and expedient, not inconsistent with general laws. That the annual assessment rolls shall be returned by the assessor on or before the first Monday in April of each year, but the time may be extended by the board of trustees.

On the return thereof, the board may fix a day for hearing objections thereto, and the clerk shall give notice of the time and place of such hearing; and any person feeling aggrieved by the assessment of his or her property may appear at the time specified and make objections. The board of trustees shall have power to supply omissions in said assessment rolls; and for the purpose of equalizing the same, to alter, to take from or add to, or otherwise correct and revise the same. That when the assessment roll shall have been corrected and revised, the same shall be filed, and an order confirming the same shall be entered by the clerk. The board of trustees shall thereupon, by ordinance or resolution, levy such sum or sums of money as they deem proper, not exceeding the amount authorized by this act, and to direct the collector to collect the same.

§ 65. That all taxes and assessments, general and special, levied or assessed by the board of trustees under this act, shall be a lien upon the real and personal estate upon which the same may be imposed until such tax shall be paid. No sale or transfer of real estate shall affect the lien thereon for such taxes.

§ 66. The collector shall collect all taxes and assessments which shall be levied and assessed by the board of trustees, and for that purpose he shall have all the powers of a sheriff to make sales of personal and real estate; he shall pay over to the treasurer all taxes and other moneys by him collected as soon as collected. When the tax list is placed in his hands, he shall proceed at once to collect the same; and to enforce payment, may levy on and sell personal property, after advertising the same by written or printed notices, posted at the court-house doors and three other public places in said town for at least ten days. Within three months from the time he receives said list, he shall make out and return to the board of trustees a report, showing the amount collected, the names of those who have paid, and those who are

delinquent; but he shall report no person delinquent, nor shall he be credited in his settlement with the trustees by the list of any person who owns personal property in said town out of which their taxes can be made. Upon the return of the collector's report, as above provided, the board of trustees shall, by order duly entered of record, direct a warrant to be made out, signed by the chairman and countersigned by the clerk, commanding the collector to levy upon and sell so much of the real property of the delinquents, naming them, situated in the town, as may be necessary to pay the taxes due, naming the amount and the cost of sale. On receipt of said warrant, the collector shall proceed to make levies as thereby commanded, and shall sell so much of the property levied on, at public auction, to the highest bidder, at the court-house door in Campbellsville, as will pay said tax and costs of the sale; but before making said sale, he shall advertise the time, place, and terms of sale, amount to be raised and description of the property to be sold, by written or printed notices, posted up at the court-house door and four other public places in said town for not less than fifteen days before the day of sale. On receiving the price bid, he shall give to the purchaser of the property a certificate of purchase, describing the property in such a manner that it may be identified. Such certificate, on presentation to the board of trustees, shall entitle the purchaser to a deed from said trustees to any real estate so purchased, unless the same be redeemed as hereinafter provided. And said collector shall make to the board of trustees, within such time as they may direct, a full and complete return of the manner in which he has executed said warrant, which return shall be spread upon the records of the said board.

§ 67. The collector shall be allowed such fees for selling as the board of trustees may prescribe. The clerk shall keep a record of such sale, which shall be open for public inspection at all reasonable times.

§ 68. The right of redemption, in all cases of sales of real estate for taxes or assessments, shall exist to the owners for the period of two years from the day of sale, on payment of the amount for which it was sold, and twenty per cent. thereon, and taxes accruing subsequent to the sale. If the estate of any infant or *feme covert*, or lunatic, be sold under this act as aforesaid, the same may be redeemed at any time within two years after such disability shall have been removed. In case of redemption, the money may be paid to the purchaser, or for him to the town clerk, who shall make a special deposit thereof with the treasurer, taking his receipt therefor; if not redeemed, the board of trustees, upon the return of certificate of sale or proof of its loss, shall direct the collector or his successor to execute a deed to the purchaser, conveying to the purchaser the premises so sold and unredeemed as aforesaid. The collector may charge a fee of one dollar for every deed so made, to be taxed as other costs.

§ 69. If, at any sale of real or personal estate for any taxes or assessments, no bid shall be made for any parcel of land or ground, or any chattels, the same shall be struck off to said board of trustees for the benefit of said town, and thereupon the board of trustees shall receive from the officer making the sale a certificate of the sale thereof, and they shall be vested with the same rights as other purchasers at such sales, for the benefit of said town.

§ 70. Any deed or duly authenticated copy of the record thereof, made for real estate sold for taxes or assessments, shall be *prima facie* evidence of the power and authority to sell the same, and that all the proceedings in reference to such sale, and levying taxes or assessments for which the same was sold, were regular.

§ 71. That where persons failing or refusing to pay taxes upon personal property, remedies against that

shall be exhausted before any sale of real estate can be made.

§ 72. All persons liable to pay poll-tax under the provisions of this act, who shall fail to pay the same for three months after notice and demand by the collector, may be required to work on the streets of the town, under the direction of the collector, or such other officer as the board of trustees may direct, at such rate per day as said trustees may ordain, until such tax is discharged, and the person or persons so working shall be entitled to a receipt for such tax. Any person who shall, without lawful excuse, fail or refuse to work as provided in this section, after two days' previous notice by the collector, shall, by proper procedure in the police court, be fined the sum of two dollars and fifty cents for each offense.

§ 73. It shall be the duty of the marshal and policemen of said town, at all times, to arrest drunken and disorderly persons in said town without waiting for a warrant, and bring them before the police judge, and in his absence, before the chairman of the board of trustees, and in the absence of both, before a justice of the peace; and in the event all such officers are absent from said town, he shall have power and is hereby authorized to put them in the county jail until sober, and then bring them out for trial before some peace officer, or said marshal or policeman, in the absence of a peace officer to try any offender, may take bond of said offender for his appearance for trial, in the same manner that bails are taken when warrants are issued.

General Provisions.

§ 74. The board of trustees, at least two weeks before each annual assessment as herein provided, shall cause to be posted in two public places in said town a full and complete statement of the receipts and disbursements from the date of the last annual report, together with the sources from which the former was

derived, and their mode of disbursement, together with such other information as may be necessary to a full understanding of the financial concerns of the town.

§ 75. Every ordinance, by-law or regulation imposing any penalty, fine, imprisonment, or forfeiture for a violation of its provisions, shall, after the passage thereof, be published one week by posting up written or printed copies thereof at four public places in said town, or by insertion in the county newspaper.

§ 76. That merchants and business men may, during the day, and only during the day, have the privilege of occupying the sidewalks fronting their business houses for the purpose of receiving or expressing their goods.

§ 77. That all property, real, personal or mixed, now belonging to the town of Campbellsville, or the board of trustees of said town, is hereby vested in the board of trustees as created or provided for by this act.

§ 78. That the Taylor county court shall not grant a license to any person or persons to sell spirituous, vinous or malt or intoxicating liquors within said town, or within one mile thereof, unless the person applying for such license shall produce to the county court a certificate from the board of trustees or the treasurer of said town that the town tax for license required or authorized by this act has been paid by such applicant.

§ 79. That the present police judge and marshal of Campbellsville shall be continued in office, and exercise all duties and functions of their respective offices under this charter, until their successors are duly elected and qualified as herein provided.

§ 80. All ordinances and regulations and by-laws now in force in said town, and not inconsistent with this act, shall remain in full force until altered or repealed by the board of trustees.

§ 81. That it shall be the duty of the board of trus-

tees at all times to keep the streets, alleys, lanes and highways in said town in good order and condition, and for every failure to do so they shall be liable to indictment and fine, of not less than five nor more than twenty-five dollars.

§ 82. All acts or parts of acts in relation to the town of Campbellsville and its government and officers, heretofore enacted by the General Assembly of the Commonwealth of Kentucky, which are inconsistent with this act, are hereby repealed.

§ 83. The said board of trustees shall have power to authorize and direct any collector by them appointed to collect all taxes which have been heretofore levied by the board of trustees of said town which are unpaid, and said collector, when so required, shall collect said taxes, and shall have all the powers for enforcing the collection of the same that are herein given to the collector of taxes in said town.

§ 84. The corporate limits and boundary of said town shall extend one-half mile from front door of the court-house in said town in every direction.

§ 85. This act shall take effect and be in force from and after its passage.]

Approved March 19, 1888.

CHAPTER 578.

AN ACT to incorporate the Odd Fellows' Orphanage.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Asher G. Caruth, Charles G. Hulsewede,
Incorporators. Charles P. Hess, Lewis R. McCleery, George L. Smith,
J. B. Rock, J. Ed. Caldwell, A. Geistlich, S. X. Hall,
A. J. C. Mathey, N. Wiest, J. Marcus, S. Fromholtz,
Wm. White, E. Y. Peak, J. W. Hambaugh, Albert
Scott, Chas. O. Zahner, J. M. Bowers, N. Steinberg,
Thos. P. Watts, Wm. Pouch, O. S. Kline, C. W. Van

Roen, Jos. Schmidt, Amos E. Yeager, L. D. White, W. W. LeGrande, Allen Patterson, Samuel Coggeshall, Mrs. J. B. Rock, Mrs. George L. Smith, Mrs. Allen Peterson, and Mrs. A. Ross, and their successors, be, and they are hereby, created a body-corporate and politic, with perpetual succession, by the name and style of the Odd Fellows' Orphanage; and by ^{Name.} that name are hereby made capable in law and equity to sue and be sued, to plead and be impleaded, contract and be contracted with; to make, have, and use a common seal, and to alter, break or renew the same at pleasure; and shall have the right to take and hold, ^{Real estate.} by purchase, gift or devise, real and personal estate, the real estate not exceeding in value the sum of one hundred thousand dollars, including the improvements thereon, and to dispose of and convey the same at pleasure.

§ 2. Said institution shall be permanently located in ^{Location.} or near the city of Louisville, Jefferson county, State of Kentucky; and the object shall be to provide a home and school for the education of orphans of deceased Odd Fellows, and such others as may be placed under its charge.

§ 3. The membership of said institution shall consist of active members, all of whom shall be Odd Fellows in good standing in their respective lodges. ^{Membership.}

§ 4. There shall be a meeting of the members of the institution called within thirty days after the passage of this act for the purpose of electing a board of directors, to consist of not more than thirty members, and annually, on the first Monday in September thereafter, who shall officiate until their successors are duly elected and qualified. One-third of the said directors elected shall hold office for one year, one-third for two years, and one-third for three years; the class of each to be determined by lot, at the first meeting of the board after the election to be held in September; and at each subsequent annual election hereafter the same number of directors shall be chosen as will fill ^{Meetings.}

the places of those whose terms expire; but nothing in this act shall be so construed as to make the members of the board whose terms expire ineligible to re-election.

President. § 5. Said board of directors shall elect one of their own members as president, and one vice-president, a secretary and treasurer, and other subordinate officers and agents necessary to conduct the affairs of the institution, prescribe their duties, and affix such compensation for their services as it may deem proper.

By-laws. § 6. The board of directors shall adopt such by-laws and regulations as may be necessary for the government of the institution, fill all vacancies in their own body, and of the officers and agents, that may arise by death, resignation, or otherwise. A majority of directors present at a meeting shall constitute a quorum to do business.

§ 7. A misnomer of the corporation in any deed, gift, grant or devise, or any instrument or contract, shall not vitiate the same, if the corporation shall be sufficiently described therein to ascertain the intention of the parties.

Object. § 8. The object of said Odd Fellows' Orphanage being a purely benevolent and charitable one, the officers of said corporation shall have the power to receive into its custody, and retain under its exclusive control, any and all of the orphans of the deceased Odd Fellows of Kentucky, or by such committees as the lodge may intrust with the duty of recommending to the officers of said Odd Fellows' Orphanage, and such orphans of deceased Odd Fellows of Kentucky as may be suitable objects of its care and protection; also all such as may be placed under its control by the surviving parent or by the guardian; also any other orphan children, not children of deceased Odd Fellows, that may be offered by two good citizens of Jefferson county, with the approval of the county court of Jefferson county; and the children who may be received by said corporation upon any of

the grounds aforesaid shall, from the time they are received, and until they attain the age of twenty-one years, remain under its charge and subject to its exclusive control.

§ 9. Said corporation, for the purpose of protection Guardian. of the person of any child committed to its care, is hereby invested with all the rights of a parent or natural guardian.

§ 10. The superintendent of the said Odd Fellows' Superintendent. Orphanage shall have the right, by and with the advice and consent of the board of directors, to apprentice, or put to service for a term of one or more years, any of the orphan inmates of the Odd Fellows' Orphanage, upon such terms and conditions, not inconsistent with the laws of the Commonwealth, as, in their judgment, the welfare of the inmates may require.

§ 11. The person to whom said inmate may be ap- Reports. prenticed or put to service shall report quarterly to the superintendent the condition, as well as the conduct of the apprentice; and should the party to whom such apprentice may be bound, fail to comply with the terms of the indenture, the superintendent and board of directors may cancel such indenture, and receive the apprentice into the Odd Fellows' Orphanage.

§ 12. The county court of Jefferson county and the County court of Jefferson. Louisville chancery court shall have the power, on complaint made, to investigate the condition or treatment of any child or children in said institution, and to review, correct or annul any articles of apprenticeship that may be entered into under this act, if, upon investigation, such court should deem it advisable and just.

§ 13. For the purpose of perpetuating the control Perpetuation. of the said Odd Fellows' Orphanage in the hands of the Odd Fellows of Kentucky, the life membership in said institution shall be, and are hereby, made transferable, by will or otherwise, on such terms and con-

ditions, not inconsistent with the laws of this Commonwealth or the charter of said institution, and the by-laws of the same may direct; and the transfer of such life memberships, when made to lodges or Odd Fellows, in conformity with the by-laws prescribed by said institution, shall invest fully and unequivocally in the transfer all the rights and privileges that belong to the original holder of such life membership.

§ 14. In the event of the death of a life member of
Life membership. said institution, who may not have transferred said life membership, nor disposed of the same by will, then, and in that event, the life membership held by such party shall invest in the lodge to which said party belonged at the time of his death.

§ 15. That the Odd Fellows' Orphanage shall have
Rights. the same rights as any individual now has to qualify as statutory guardian of any orphan inmate of said institution, when requested to do so by a vote of the board of directors or a quorum of said board, and no commission shall be charged by said corporation for such services.

§ 16. This act shall take effect from its passage.

Approved March 19, 1888.

CHAPTER 579.

AN ACT to amend an act, entitled "An act for the benefit of Allen county, empowering it to compromise its debts, issue bonds, and levy and collect taxes to pay the same," approved February 2, 1880.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 1 of an act, entitled "An act for the benefit of Allen county, empowering it to compromise its debts, issue bonds, and levy and collect taxes to pay the same," approved February 2, 1880, be, and the same is, so amended as to authorize the issue, negotiation and delivery of new bonds of said county,

amounting to forty thousand dollars, in addition to the one hundred and seventy thousand dollars therein provided for.

§ 2. That all the provisions of the act to which this is an amendment shall apply to the issue, negotiation, delivery and payment of the bonds herein provided for.

§ 3. This act shall take effect from and after its passage.

Approved March 19, 1888.

CHAPTER 580.

AN ACT to repeal all acts and parts of acts, so far as the same authorize the county of Scott to subscribe stock in any railroad company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of all acts and parts of acts as authorize the county of Scott to hereafter subscribe stock in any railroad company be, and the same is hereby, repealed.

§ 2. This act shall not apply to the town of Georgetown in said county.

§ 3. This act shall be in force from and after its passage.

Approved March 19, 1888.

CHAPTER 581.

AN ACT to amend the charter of the city of Ashland.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the city of Ashland be so amended, that the common council of said city shall have the power to allow the mayor of said city an

annual salary of not exceeding four hundred dollars, in addition to the fees now allowed by law.

§ 2. That the jurisdiction of the mayor's court of Ashland in civil matters shall be two hundred dollars, exclusive of interest and cost.

§ 3. That the provision of the charter of Ashland that requires that the licensed sellers of spirituous, vinous and malt liquors shall not sell the same behind frosted screens or any other device, is hereby repealed.

§ 4. This act shall take effect and be in force from and after its date.

Approved March 19, 1888.

CHAPTER 582.

AN ACT to incorporate the Frankfort Safety Vault and Trust Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Incorporators. § 1. That Frank Chinn, P. McDonald, Robt. Thompson, Richard Tobin, R. W. McRery, E. P. Bryan and D. C. Crutcher, and all other persons who shall hereafter become stockholders of the company hereby incorporated, shall be a body-corporate, by the name of "The Frankfort Safety Vault and Trust Company," and by that name have perpetual succession, and may contract and be contracted with, sue and be sued, and have all the powers hereinafter given ; and may have and use a common seal, and alter the same at pleasure.

Capital stock. § 2. The capital stock of said company shall consist of fifty thousand dollars, divided into shares of fifty dollars each, with the privilege to increase the same by a vote of two-thirds of the stockholders, at any annual or special meeting, to any sum not exceeding two hundred thousand dollars ; and the incorporators,

or any three of them named in the first section of this act, shall have the power to open books and receive Open books. subscriptions at such times and places as they may deem expedient; and when not less than one thousand shares shall have been subscribed and twenty per cent. thereof paid in, the shareholders may elect a board of not less than five nor more than thirteen directors, who shall serve until the next annual election, which shall be on the second Tuesday of January of each year, or until their successors are duly elected and qualified; and the directors so elected of said Begin. company, when it shall have been organized, may, and they are hereby, authorized and empowered to have and to exercise, in the name and in behalf of the company, all the rights and privileges which are hereby given; and should the capital stock at any time be increased, the stockholders, at the time of such increase, shall be entitled to a *pro rata* share of such increase, upon the payment of the price fixed by the board of directors.

§ 3. The principal office of said company shall be Principal office. in the city of Frankfort, Kentucky; all the directors of said company shall be citizens of the State of Kentucky, and the board of directors shall keep a record of their proceedings.

§ 4. The directors shall elect from their number, at Elect president. the first meeting of the board after their election, and directly after each annual meeting of the stockholders, a president and a vice-president, who shall hold their offices for the term of one year and until their successors are elected and qualified; and may appoint a secretary and a treasurer, and such other officers, clerks, agents and employes as the business of the Agents. company require, and fix their compensation, and may require from any of said officers bond for the faithful discharge of their duty. All elections for directors shall be *viva voce*, and every stockholder shall be entitled to one vote for each share of stock held by him; but no person shall be eligible as di-

Quorum. rector who is not a stockholder to the amount of ten shares. At any meeting of the stockholders, except the annual election for directors, a quorum shall consist of stockholders owning at least one-third in value of the capital stock; five or more of the directors shall constitute a quorum.

By-laws. § 5. The board of directors shall make all by-laws necessary for conducting the business of the corporation; and shall have power to require payment of the amount remaining unpaid on the stock of the corporation, at such times and in such proportions as they shall think proper. The corporation shall have a lien on the stock for any amount that may be due thereon.

Provide vault. § 6. Said corporation may purchase, erect, or lease a building or premises containing a strong and commodious safety vault, and a number of small compartments or boxes, designed and adopted for renting to persons or corporations who desire to have a place of safe deposit for valuables; and said corporation is hereby empowered to rent out the boxes in such safety vault to such persons, and for such sums of money, and for such time as may be agreed between such corporation and such persons as may jointly or severally rent one or more of said boxes or compartments.

Receive goods. § 7. Said corporation is hereby empowered to receive for safe-keeping any valuables that may be intrusted to it, receipting for the same by its president, vice-president or secretary; and may guarantee such special deposits for such compensation as may be agreed upon between said corporation and said depositors.

Act as guardian. § 8. The said corporation may be appointed, and may act as guardian of infants, as executors or administrator, or committee of idiots or lunatics, as receiver, assignee or other trustee, whether appointed by deed, by last will and testament, by any court within this Commonwealth, or in any other manner not inconsistent with law. It may receive and hold

in trust estate, real and personal, including the notes, bonds obligations and accounts of estates and individuals, of companies and corporations, private or public; and may, in its fiduciary capacity, purchase, collect, adjust and settle, sell and dispose of the same in this State or elsewhere. It may act as agent or attorney in the leasing, conveying and managing real and personal estate, receiving and collecting rents and other moneys, in the issuing and countersigning certificates of stock, bonds, or other obligations of any corporation or municipality, State or public authority; and may receive and manage any sinking fund therefor; and may accept and execute and guarantee all such trusts of every description, not inconsistent with the laws of this State, as may be committed to it by any person or persons, or by any corporation, or by any court of record of this or any other State. It shall have a trust department, and all of its business of a fiduciary character shall be kept in a separate and special set of books.

§ 9. One-half of the capital stock paid in shall be invested in such securities, at such rates of interest as they promise to pay, as are authorized by law for trustees, and from time to time shall be reinvested in the same, and shall be kept separate and apart from other investments, and designated on the books of the company as "Investments of Trust Capital;" and it shall be the duty of the company, through its president and secretary, to make a detailed statement annually (or oftener if so required) to such court or courts as may have committed any trust or trusts to said company of all such investments, together with a statement as near as practicable of the value of the estates and property so committed to said company, which statements shall be verified by the oath of one of said officers; and said trust capital shall be specially and primarily liable for the obligations of said company as executor, administrator, guardian, re-

Capital stock,
how invested.

ceiver, assignee or trustee in any other capacity, and shall not be liable for any other debt or obligation of the company until all its obligations in regard to its trusts as aforesaid shall have been first duly met and discharged. The residue of the capital and other moneys in the hands of the company may be loaned or invested in such manner as may be determined by the corporation ; but nothing herein shall be construed to permit said company to discount paper or to engage in the business of banking. Said corporation shall keep a complete set of books, showing receipts and disbursements of money, and giving a full and correct account of all its transactions in each and all of the trusts committed to its care ; which books shall be open to the inspection of the courts committing such trusts to its care and to the parties in interest, at such times as such courts may direct.

Capital stock as
security.

§ 10. The capital of said company shall be taken and considered as the security required by law for the faithful performance of its duties, and other security shall not be required upon its appointment to any of the offices or duties mentioned herein, except when required by the courts or by parties in interest ; but any court having jurisdiction to make or approve such appointments shall have power, before making or approving the same, and any time thereafter, to examine the officers of the company under oath or affirmation, as to the security aforesaid, and the amount and extent of its fiducial liabilities; and if deemed advisable by said court or courts to appoint a suitable person to investigate the affairs and management of said company, who shall report to such court the manner in which its investments are made, and the security offered to those by or for whom its engagements are held. the expense of such investigation to be paid by said company.

Responsibilities.

§ 11. In the exercise by said company of the powers herein authorized as guardian, executor, administrator, committee of lunatics, or of any office or duty im-

posed by the courts on or otherwise committed to said company, it shall be subject to the same duties and responsibilities, shall have the same powers, and shall receive the same compensation, as may be fixed by law with relation to individuals holding similar offices or trusts, except as herein otherwise specially provided. The exercise of the other powers, and the performance of other duties by said company may be, as to compensation and otherwise, matters of contract with parties interested.

§ 12. Said corporation may, from time to time, declare and pay dividends, but such dividends shall be paid only from the net earnings of the company.

§ 13. This act shall take effect and be in force from its passage, and continue in force for thirty years.

Approved March 19, 1888.

CHAPTER 583.

AN ACT to incorporate and establish a public school for colored people in the town of Hawesville, and within a radius of two miles of the court-house in said town.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all of the territory embraced within a radius of two miles of the court-house, in the town of Hawesville, shall be, and is hereby, incorporated as a school district, which shall be under the control and management of a board of trustees elected by the colored voters within the limits of said territory as hereinafter directed.

§ 2. The persons so elected shall constitute and be styled the board of trustees of the Hawesville colored public school, and by that name shall be a body-politic and corporate, and may sue and be sued, contract and be contracted with; may buy and sell and convey real estate and personal estate necessary for school

purposes; and the title to same shall vest in said board of trustees and their successors.

§ 3. The number of trustees for said district shall be five, to be elected on the first Saturday in April annually, and hold their offices until their successors are elected and qualified. A majority of said board shall constitute a quorum for the transaction of business; and in case of the death or resignation of any of said trustees, or if, from any cause, there shall be a vacancy, the other members of the board shall fill said vacancy by the appointment of some suitable and qualified person; said trustees to qualify within one week after their election.

§ 4. Said trustees, before entering upon the discharge of their duties, shall take an oath to faithfully perform the duties required of them under this act, before a justice of the peace or county judge.

§ 5. The said board of trustees shall have the power to fix the time and place of meeting; to make all by-laws and rules for the government of themselves and appointees, and for the management, control and government of said public school; and shall cause to be kept a correct journal of their proceedings, which shall be open at all times to the inspection of any citizen of Hawesville and the territory mentioned.

§ 6. The said board of trustees shall appoint all teachers and other persons necessary to carry on said school, prescribe all rules for their government, and fix their compensation or salaries; and may dismiss or suspend any teacher or other person appointed by them, and in connection with county school commissioner prescribe the branches of education to be taught in the school, grade the school and classes, and prescribe the necessary qualifications for and the mode of examination of pupils or persons applying for admission into the school.

§ 7. The said board of trustees shall appoint one of its members chairman, who shall preside at all meetings, and perform such other duties as may be de-

volved upon him; and may appoint a secretary, prescribe his duties and fix his compensation, if they deem it necessary to do so.

§ 8. All colored children over six and under twenty years of age within said district shall have equal rights of admission to said school free from all charges for admission or tuition; and it is expressly provided that only colored children shall be admitted to said school.

§ 9. The said board of trustees shall, at the end of each scholastic year, make out a report in writing (and have the same published, if they deem it necessary), showing the number of pupils in said school, and the condition and amount of property and funds belonging thereto, and such other facts and information as the cause of public education requires.

§ 10. The following persons are hereby constituted and appointed trustees under this act, viz: Taylor Gatewood, Henry Grimes, Zeno Jolley, John Butler and Stephen Miller, with power to fill vacancies as herein provided, and serve until their successors are elected and qualified.

§ 11. The said board of trustees shall provide the funds for purchasing suitable grounds, and for building the school-house, and paying all the expenses of said school; and to this end it shall be the duty of said board of trustees, and they are hereby authorized and empowered and directed, to cause to be levied and collected an annual tax at the rate of not exceeding ninety-five cents upon each one hundred dollars' worth of the property owned by colored persons subject to taxation for revenue purposes to the State within the limits of said school district aforesaid; the assessment and collection to be made at the same time and in the same manner as is now provided by law for the assessment and collection of taxes for the maintenance and support of the Hawesville public white school. This tax shall be called the school tax for the Hawesville colored public school, and

payable in money only, and is to be used for the purpose of defraying the annual expenses of said school, and the construction of a building in which to teach said school, including repairs upon the building and the payment of the secretary, treasurer and assessor and collector that may be appointed and authorized to discharge the duties thereof; and also to levy and collect annually a capitation tax not exceeding two dollars on each colored male citizen within the limits of said district over twenty-one years of age. The assessor appointed by the trustees of the Hawesville public schools to assess the taxable property in that district for school purposes, shall make the assessment necessary for fixing and collecting the taxes to be raised under this act and under the same regulations and rules, and at the same time as may be prescribed by the trustees of said Hawesville public school in their own assessments, and shall receive for his services compensation at the same rate as therein provided. The taxes to be raised under this act shall likewise be collected by the same collector collecting the taxes for the Hawesville public school district, who shall have the same power and authority in the collection of same as he has conferred upon him by that act, and shall collect the taxes under this act at the same time that he collects the taxes for said Hawesville public school district. The treasurer of said Hawesville public school district shall act as the treasurer for the colored public school created under this act, under the same responsibilities and penalties as treasurer for said former school, and his sureties thereunder shall be responsible for all the money that passes into his hands which may be collected under this act as they are under or his bond for the collection of the taxes as tax collector for the Hawesville public school district: *Provided*, That said tax shall not be levied and collected until the question shall have been submitted, by said board of trustees, to the resident colored taxpayers within the limits of said school district required

to pay taxes under this act for said public school ; and if a majority of said voters voting shall vote in favor of the levy and collection of said tax, then it shall be the duty of said board of trustees to cause said tax to be levied and collected as aforesaid, and appropriated for the construction of a school-house, and for the maintenance and support of said public school, and the purchase of suitable grounds.

§ 12. The board of trustees shall appoint two judges and a clerk to hold the election for taking the sense of the voters in said district upon the question of levying and collecting said tax, and also for the election of trustees of said district, who shall be sworn as officers for holding State and county elections ; and said judges shall make out and return the poll-books to said board of trustees, who shall examine the same, note the result upon their journal, and issue certificates of election to those having the highest number of votes for trustees.

§ 13. The superintendent for common schools shall annually make an estimate of the share or proportion of the State common school fund which would be coming or due to that part of the territory embraced within the limits of said public school district aforesaid, as if the boundaries of the same were taken as the boundary of such district ; and shall annually pay over to the treasurer aforesaid, or to the teacher, or as he, in his discretion, may think best, herein created, the full amount of such proportion or share which shall be held and used by them as the other funds herein provided for.

§ 14. The board of trustees may admit into said school colored children who do not reside within the limits of said school district, upon such terms and conditions, and upon payment of such charges, as the said board may deem right.

§ 15. The limits and lines of the Hawesville public school district shall be the limits and lines of the school district created by this act.

§ 16. The treasurer and tax collector, in the performance of their duties under this act, shall receive the same compensation for their services therefor as may be allowed them by this board of trustees of the Hawesville public school district in the performance of their duties under that board and the act creating the same.

§ 17. This act shall take effect and be in force from its passage.

Approved March 19, 1888.

CHAPTER 584.

Charter of Dixie Public School District.

AN ACT to establish a system of common schools in the town of Dixie, Henderson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Limits.

§ 1. That all the territory embraced within the following limits, to wit: Beginning where the seminary line crosses Beaverdam creek, near the Cottingham old ford; running thence down said creek to the point where Nat. P. Hughes' west line intersects said creek; thence with said line, between John Hughes and Nat. P. Hughes, to where it intersects Wm. Duncan's line; thence running an eastward direction, between said Nat. P. Hughes and Duncan; thence between said Hughes and Elizabeth Dixon, to where it intersects the Harman farm (late Wm. Hughes' farm); thence continuing an eastward course between said Harman and Dixon, to the point where it intersects Hamp Ivie's line; thence in a southward direction, on the line between said Ivie and Dixon, to the point where it intersects Thomas Dixon's line, continuing with said Thomas Dixon's and Elizabeth Dixon's line to the point where it intersects the William McClure farm; thence continuing in a direct course with the

last said line, across the Wm. McClure farm, to the point where it intersects the line between Jerome King's farm and said McClure farm; thence running a south-eastward direction, on the line of the two last mentioned farms, and continuing on same line between the farms of James Crook and Thomas Watson; thence between Isaiah Crook and Deborah Crook; thence between Isaiah Crook and lot of the Methodist and Baptist Church; thence between said Crook and John Crook; thence between Nate Dorsett and B. F. Overfield; thence between Overfield and Frank Barnett, to the point where it intersects said seminary line; thence with said seminary line to the beginning; shall be, and is hereby, incorporated as a school district, which shall be under the control and management of a board of trustees, consisting of Dr. J. R. Sigler, Dr. C. A. Galloway, H. W. Ivie, A. B. Dixon, C. F. Dixon, and J. G. Whitley, and their successors.

§ 2. Said trustees shall constitute and be styled ^{Incorporated.} "The Board of Trustees of Dixie Public School," and by that name shall be known as a body-politic and corporate, and may sue and be sued, contract and be contracted with, may buy and sell and convey real and personal, and the title to all school property in said district shall vest in said board and their successors forever.

§ 3. The said trustees, before entering upon their ^{Oath.} duties, shall take an oath faithfully to discharge their duties, and shall, within one month after the incorporation of this, the said school district, meet and organize. The president of said board shall be one of their own number, selected by themselves at their first regular meeting, in case of whose absence or inability to act at this or any subsequent meeting, a majority of said board shall elect one of those present to act as chairman, to preside and discharge the duties of president *pro tem*.

Secretary and
treasurer.

§ 4. Said board shall appoint one to act as secretary and another as treasurer, each of whom shall hold his office one year and until his successor is appointed and qualified, and shall perform such duties as generally pertain to their respective positions as secretary and treasurer, and all such duties as may be prescribed by the board.

Call election.

§ 5. The said trustees shall, as soon as practicable after the passage of this act by the Legislature, publish this act, calling an election, submitting this proposition to the white voters over twenty-one years of age having made their homes within said district sixty days prior to the day of election ; and also at the same time six trustees of said school, all of whom must be *bona fide* residents of said district, shall be elected, who, when qualified, shall succeed the trustees herein named. And said trustees so elected and qualified shall, at their first regular meeting, divide themselves into two classes of three each, and shall then determine by lot which class shall hold their office until the first day of September, 1888, and which class shall until the first day of September, 1889, which shall be recorded in their journal. And the term of office of each shall expire upon the day so decided ; and the citizens of said school district shall, upon the first Monday in August next, between the hours of 1 and 6 o'clock P. M., and in each year succeeding, elect, as in all other elections, three suitable persons as school trustees, who shall hold their office for the term of two years: *Provided*, That said trustees shall always hold their office until their successors are duly elected and qualified: *And provided further*, That at any event it should become expedient or necessary to add to the number of trustees as herein provided for, the increased number so determined upon shall be appointed by the then existing board, which appointees shall determine by lot their term of office as hereinbefore directed, and their successors shall be elected by the people in the usual way. Said trustees shall

reside in said district; and if any trustee shall remove from the district after his appointment or election, his office shall be vacated and an appointment made to fill such vacancy.

§ 6. The control and management of said public Control of school. schools, and the property and funds belonging thereto, and which may accrue in any way to them or for their establishment, management or maintenance under the act or otherwise, shall be vested in the said board of trustees and their successors.

§ 7. Said board of trustees shall have power to fill Fill vacancies and make by-laws. all vacancies in its own body, make all by-laws and rules for the government of themselves and appointees, and for the dispatch of business and for the management, and control and government of the schools, and to enforce such by-laws and rules by suitable fines and penalties, to be recovered in any court having jurisdiction of the amount.

§ 8. A majority of the members of said board shall Quorum. constitute a quorum for the transaction of business. They shall meet at least once in every two months, Meetings. and shall fix the time of their meeting, and may meet as often as they may deem necessary for the transaction of business. The president, with one other member of the board, shall have power to call a meeting whenever they may consider such meeting necessary. A majority of those present may transact any business except in the making of a contract for the purchase or sale of real estate, for the erection of any building, or for the paying of money, in which case a majority of the whole board must concur, and the yeas and nays shall be polled and recorded in the journal.

§ 9. Said board shall cause to be kept a regular and Keep journal. correct journal of their proceedings in a well-bound book, which shall at all times be open to the inspection of any of the members of said board, or to the committee appointed by the citizens of said district, in a regular manner for such purpose, but to no

other person or persons, except by order of the board, or at the option of the officer in whose charge such books may be kept.

Teachers. § 10. The board of trustees shall appoint all teachers and other persons necessary to successfully carry on said schools, and prescribe all rules for their government and fix their compensation or salaries; and may dismiss or suspend teachers or other persons appointed by them, prescribe the branches of education to be taught in the schools, grade the schools and classes, and prescribe the necessary qualification for, and the mode of examination of, pupils or persons applying for admission to the schools.

Grade school.

Who shall attend. § 11. That all the white children between the ages of six and twenty-one years old, on the first day of July before the ensuing term, whose parents or necessary legal guardian, and those who are permanently separated in good faith from parents or guardians, and are residents of said school district, shall have equal rights to the schools free of charge: *Provided further*, That persons having children living with them from under the control of parents or guardians as mentioned in this section, shall appear in person before the board of trustees and make oath and produce other satisfactory evidence, if required, the arrangement is permanent and in good faith.

No catechism. § 12. No catechisms or form of religious belief shall be taught or inculcated in, nor shall any class-books be used or adopted for, said schools which reflects upon any religious denomination, nor shall any class or classes be so conducted as to interfere with the religious belief of parents or pupils.

Secretary's duties. § 13. The secretary shall attend all the meetings of the board, keep their records and papers, and perform such other duties as may be required or prescribed by said board of trustees, and shall receive such salary as may be fixed by the board, and paid at such time as they may direct.

§ 14. The treasurer, before entering upon his duties, shall execute a bond to the board of trustees, with good and ample sureties, to be approved of by said board of trustees, conditioned for the faithful performance of all his duties, and to pay over to the proper person or persons all moneys which may come to his hands by virtue of said office. He shall receive and dispense the money belonging to the school fund, keep accurate and true accounts in well-bound books of all his acts, and perform such other duties as may be required or prescribed by said board of trustees: *Provided, however,* That he is at no time to pay out or disburse the money of said school fund, except upon an order directed to him officially, and signed by the president of the board of trustees, and indorsed by the secretary, and for such services he shall receive such salary as may be fixed by the board and paid at such time as they may direct.

§ 15. The board of trustees shall, at the end of each scholastic year, and oftener if required, make out and report to the patrons of said schools a written or printed statement, in circular form, showing the number of pupils in said schools, and the condition and amount of property and funds belonging thereto, and such other information as may be desired.

§ 16. If the amount donated by the people is insufficient to build a school-house in said district, with at least two good and sufficient rooms to accommodate all the pupils in said district, with an ante-room and such furniture and other facilities as are necessary, the board shall have power to levy and collect a per capita tax, not exceeding two dollars, from each white male in the district over twenty-one years of age, and a tax not exceeding twenty-five cents on each one hundred dollars' worth of taxable property in the district, to be collected by district collector as similar State taxes are by sheriff, which money shall be used for the sole purpose hereinabove mentioned.

Taxes.

§ 17. The said board of trustees shall cause an annual tax, not exceeding fifty (50) cents on the one hundred dollars' worth of property, to be levied upon and collected by an assessor and collector to be appointed by said board of trustees, upon the same property in said school district as is taxed by the State for common school purposes, and the assessment to be made at such time as may be directed by the said trustees: *Provided always, however,* That only property belonging to white persons shall be taxed; and at the same time, and in like manner with the annual property tax, cause a per capita tax, not exceeding five dollars, to be annually levied upon and collected from each white male person over twenty-one years of age, resident within said Dixie public school district. Said taxes and expenses of collecting the same shall be collected by the person appointed for that purpose, at the discretion of said board of trustees, by levy, distress or sale, in the same manner as the county and State revenue is now collected; and the officer so collecting said tax shall, with his sureties, be responsible upon his bond, which shall have been previously filed with and approved of by the said board of trustees, for the faithful performance of his duties, with such penalties as are now prescribed by law for delinquencies.

Duties of trustees.

§ 18. The board of trustees shall, in the month of July or August, make a report or estimate in writing to the citizens of said school district, showing the probable amount of money necessary to properly conduct said public schools for the next scholastic year, which amount shall be levied for and collected by taxation as hereinbefore mentioned. The time for assessing and collecting said taxes shall be determined by the said board of trustees. After the present year the board shall make the above-named report, and cause the above-named assessments and collections to be made at a stated time in each year. If any of said trustees, or treasurer, or collector, or any officer of

said schools, shall appropriate any of said funds to his own use or other than the use of Dixie public schools, he shall be deemed guilty of a felony, and, upon conviction, shall be confined in the penitentiary of the State not less than one nor more than five years.

§ 19. The funds arising from the collection of such ^{Funds, how paid.} taxes shall be paid into the hands of the treasurer of the board of trustees by the collector, and his receipt taken for the same within sixty days after the tax books are placed in his hands for collection, or said tax collector shall be delinquent, and liable to the same penalties as sheriff or collectors of State for failure in collecting or paying over State revenue, and shall be proceeded against in the same way, except that the procedures shall be in the name of the board of trustees, and in the Henderson circuit court; and the execution of any such judgment in the said court shall be directed to the sheriff of Henderson county, or to any officer the court may direct, and the sheriff or officer shall collect and account for the same, and be responsible upon his bond, as in other cases of executions placed in his hands.

§ 20. The board of trustees shall cause a census of ^{Census.} the children under the school law to be taken and reported to the county superintendent as directed in article 8 and section 12 of common school laws; and the superintendent or superintendents for common schools shall annually make an estimate of the share or proportion of the State common school fund which shall be due to the school district of Dixie as herein described; and shall annually pay over to the board of trustees herein created the full amount of said proportion or share, which shall be held and used by them as the other funds herein provided for.

§ 21. All lands within the boundary of said school ^{Escheats.} district, which shall escheat or in any way be forfeited to the Commonwealth, shall vest in said board of trustees, to be used, held and controlled by them as other property and funds.

Treasurer § 22. The treasurer of said school district shall receive and receipt for the tax-book for each year, and collect and receipt for taxes paid. He will deliver said tax-book, or a certified statement therefrom, to the board of trustees at a time appointed by them, showing the names of those who have not paid, and the amount due from each to the collector of said district, who shall proceed to collect said unpaid taxes, and, in addition thereto, a penalty of ten per cent. shall be added.

New residents. § 23. All parties moving into said district (with intention to become permanent residents), after the annual assessment has been taken, shall be entitled, free of charge, only to the first five months' session of the ensuing term.

Collector. § 24. The collector of said school district shall have power to collect the taxes, or any moneys due the district, by levy, distress or sale, anywhere in the county of Henderson.

Non-residents. § 25. No one in said district shall become the guardian of a non-resident child, for the sole purpose of its enjoying the benefits of the schools.

Non-residents § 26. The board of trustees may admit into said public schools white children who are non-residents of the said school district of Dixie, upon such terms and conditions, and upon payment of such charges, as the board may deem right.

Location. § 27. The board of trustees shall locate said school-house on the ridge west of T. W. Ivie's dwelling, the land now being that of the heirs of the late Eliza Dixon, deceased; and said board of trustees shall have power to condemn one and one-half acres of said land as in section 6 of article 8 of common school laws, and the deed made to them by county commissioner, as in said common school laws. And said board of trustees shall have power to open or cause to be opened any road or roads, or cause new roads to be made, if deemed necessary by them, for the easy access of all the children in said district to said

school building. And any person or persons refusing to open such roads shall, upon the order of the county judge, be forced through in same manner as in county roads.

§ 28. This act shall take effect and be in force so Vote to be taken soon as the same shall be ratified by a majority of the qualified voters (as in section 5 of this act) of said school district, at an election appointed by the board of trustees, and held for the purpose of taking the sense of the voters upon the subject of such ratification. The board of trustees herein appointed shall cause printed notices to be posted at not less than five public places in said district for not less than ten days prior to said election, stating time, place and purpose of said election.

Approved March 19, 1888.

CHAPTER 585.

AN ACT to amend an act, entitled "An act to incorporate the Lewisburg high school, in Logan county."

WHEREAS, The school building in which is taught the common school of district No. 79, Logan county, is not large enough to accommodate the pupils attending said school; and whereas, said school-house is attached to the building owned and occupied by the Lewisburg high school, in which there is room to accommodate both the pupils of the common school and the high school; and it being best that both schools should be under one management, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That an act, entitled "An act to incorporate the Lewisburg high school, in Logan county," be, and the same is hereby, amended by adding the following sections, viz:

18—LOCAL LAWS, VOL. 2.

§ 1. That common school district No. 79, in Logan county, which includes the town of Lewisburg, be, and the same is hereby, placed under the control and management of the trustees of the Lewisburg high school.

§ 2. The trustees of Lewisburg high school and their successors in office shall act as common school trustees of said district No. 79, and shall perform all the duties required by law of school trustees, and shall report to the school commissioner of Logan county in the same manner and at the same time as trustees of common schools are required to do; and it shall be the duty of said commissioner to draw and pay over to the treasurer of said trustees all the money due to the said common school district No. 79, for white children in that year; but said money shall only be used by said treasurer in paying teachers.

§ 3. The board of trustees shall fix the rate of tuition of all pupils attending the free school session who live outside of the district, or not within the common school age, or pursuing studies not required by law, living in said district.

§ 4. That the stockholders owning one or more shares of stock in said high school, living outside of the limits of said school district No. 79, shall be deemed residents of said district, and be entitled to the same benefits and privileges of the common school as though they were actual residents of said district.

§ 5. This act shall take effect from its passage.

Approved March 19, 1888.

CHAPTER 586.

AN ACT to establish a public graded school in common school district No. 7, in Johnson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That all of the territory included in common ^{Limits.} school district number 7 (7), in Johnson county, Kentucky, beginning at the mouth of the Line branch and running along the divide between the Line branch and Rock House, so as to include the farm on which Dan Hitchcock lives; thence so as to include all of the territory inclosed on the Lower Twin branch, below the farm on which Martha Salyers lives; thence so as to include all of the territory on the right hand fork of the Upper Twin branch, below the farm on which Sam Blair lives; thence running the old line to the beginning, is hereby incorporated as a public graded school, and the board of trustees thereof appointed and to be selected, as hereinafter provided, is hereby created a body-corporate, to be styled the board of trustees of public graded schools of district number seven, in Johnson county, and granted the power, by that name, to sue and be sued, contract and be contracted with, acquire by purchase, donation, devise or otherwise, any real or personal property, for public school purposes in said district, and to sell and convey the same; and the title to any property so acquired shall vest in said trustees and their successors in office forever.

§ 2. That Isaac Rice, James S. Spradlin and Edward Blair, who, at present, compose the board of trustees of said district, shall continue to act in that capacity until the end of the present school year 1888, and for three years thereafter. On the first Saturday in ^{Trustees appointed.} June, 1891, an election shall be held at the school-house in said district, by the common school superintendent of Johnson county, for the purpose of ^{Election.} electing successors to the trustees named above. Said

Notice to be
given.

election shall be held between the hours of ten o'clock in the forenoon and six o'clock in the afternoon, and written or printed notices of the time, place and object of said election shall be posted by said superintendent, in at least three conspicuous places in said district, for at least ten days' prior to the day of such election. The trustees so elected shall hold their offices for the term of three years, and until their successors shall have been duly qualified; and an election for trustees shall be held on the first Saturday in June triennially thereafter, in the same manner and between the same hours aforesaid.

Chairman.

Officers of
election.

§ 3. The board of trustees so elected shall select from their number a chairman, who shall preside over their deliberations and give the casting vote in case of a tie. After the first election the board of trustees shall appoint the officers, and designate the place of holding all subsequent elections; but if they fail or refuse to discharge said duty until less than ten days before the holding of said election, the said county school superintendent shall appoint the necessary election officers and designate the place for holding such election. Said election officers shall consist of two judges, a clerk and a sheriff, whose duties and liabilities shall be similar to those of like officers under the general election laws of this State. Any one who is, under the common school laws of this State, entitled to vote in an election of district trustee, shall be deemed a qualified voter under this act.

Who are eligible
for office.

Vacancies.

§ 4. No one shall be eligible to the office of trustee under this act who is not eligible to be trustee of a common school district. A majority of them shall constitute a quorum for the transaction of business, and shall have the power to fill, by appointment, a vacancy in the board until the next regular election: *Provided, however,* That in case more than one vacancy, by resignation or otherwise, should occur at the same time, a new election to fill such vacancies shall at once be held as provided for in this act. They

shall also have the power to appoint a secretary, treasurer, assessor, and collector, and to require and take bonds, with approved security, from the same, for the faithful discharge by them of their duties; to ordain and put into execution such constitution and by-laws, rules and regulations, for the government of themselves, their appointees, agents, and teachers, and for the efficient management, control, and government of the public schools in said district, and for the preservation and protection of the property belonging to the same; and if the school-house belonging to said district becomes in any manner unfit for use, the chairman of the board shall condemn the same, and have it repaired or a new house built, as the case may require; and for failure to do so said chairman shall be subject to the same penalties which the law imposes upon a county superintendent for a similar neglect of duty. The secretary of said board shall keep a journal of all their official acts and proceedings, which shall be open at all times to inspection.

§ 5. Said board of trustees, before entering upon ^{Oath.} the discharge of their duties, shall take an oath before an officer authorized by law to administer oaths to faithfully, honestly and impartially discharge the duties required of them by this act and the laws of this Commonwealth regulating public schools, which shall apply to said district except when otherwise provided in this act. They shall appoint teachers ^{Employ teachers.} and such other persons as may be necessary to carry on the school in said district, and shall regulate their salaries and compensation, and may suspend or dismiss them whenever they, in their discretion, deem it advisable to do so. No teacher shall be employed to teach the public school in said district who has not obtained a certificate of qualification as required by the common school laws of the State. Said board of trustees shall grade said school and prescribe the branches to be taught in the different classes, and the necessary qualifications for, and mode of examina-

tion of, pupils or other persons applying for admission into the different grades of said school; and also for the punishment of such pupils or other persons for a violation of the rules of government of the school.

§ 6. Every white child in said district, within the common school ages, shall have free access to said school, and the right to attend the same at all times free of charge, as if it were being taught under, and pursuant to, the common school laws of the State; which laws shall apply to, and be enforced in said district, in all cases not expressly provided for in this act. The board of trustees shall, however, have the power to require such pupils to attend the grade to which they may be respectively assigned. Said school shall be exclusively for white children.

§ 7. Said board shall have a census taken of said district in the month of April each year, and report to the county superintendent the number of scholars within the common school age, resident in said district, and make such other reports of their schools as are, or may hereafter be, required of common school trustees by the common school laws of the State. They shall receive and appropriate to said graded school the fund due from the State under the common school law to the white pupils of said district, the county superintendent, upon the order of the board, paying the same to the treasurer thereof, who shall disburse the same as the board may direct. Said board shall have the right to regulate the length of time said graded school shall be taught: *Provided*, That it shall not be taught less than five months in each school year, which school year shall begin on July 1.

§ 8. Said board of trustees shall also have the right to admit to said graded school scholars from other districts, or residing in said district, who are over the common school age, and to assess their tuition for the privilege of attending the same; the tuition received

from such pupils so admitted shall constitute a part of the school fund of said district. At the end of each school year said board of trustees shall cause to be published in the newspaper having the largest circulation in the county a report, showing the condition and amount of property or funds belonging to said corporation, the amount and source of school funds received and disbursed during the year, and such other facts and information concerning the school as they may desire to have published.

§ 9. Said board of trustees shall have the power to Levy and collect tax. levy and cause to be collected an annual tax upon all taxable property belonging to white persons in said district, of not exceeding fifty cents upon each one hundred dollars' worth of said property, as the same is assessed for State purposes, and a capitation tax of not exceeding two dollars upon each qualified white voter in said district; and the funds thus raised shall be used only for the purpose of purchasing school grounds and buildings, or erecting the same, and providing suitable furniture, teachers, and paying the other necessary expenses of conducting said graded school. This fund shall be used only for the purposes designated in this section, and the treasurer shall pay out the same in such manner and proportions as said board of trustees may direct.

§ 10. That before said tax, provided for in section Vote to be taken. 9 of this act, shall be levied and collected, the proposition must be ratified and approved by a majority of all the legally qualified voters in said district voting at an election held for that purpose, which shall be held at such time and place in said district as said board of trustees shall designate, after having duly advertised the same by printed or written notices, posted at six conspicuous places in said district, at least twenty days before the election, which notices shall state the rate of taxation to be assessed, and the Rate of taxation. number of years the same is to be collected. When said proposition to levy a poll and ad valorem tax

Collector of
taxes.

has been ratified as provided in this section, said board of trustees shall appoint a board of collectors to collect the same. Said collectors shall have the same power to sell property for said taxes as sheriffs have in collecting the State revenue, and shall be under the same responsibilities as sheriffs in like cases. Said collectors shall receive a commission of not exceeding five per cent. of the amount collected for performing the duties required of them by this section.

§ 11. This act shall take effect from and after its passage.

Approved March 19, 1888.

CHAPTER 587.

AN ACT to charter the Corinth Deposit Bank.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Capital.

Name.

§ 1. That there is hereby established a bank of deposit in Corinth, Kentucky, with a capital of twenty-five thousand (\$25,000) dollars, in shares of one hundred dollars each, to be subscribed and paid for as hereinafter provided ; and the subscribers, their associates and assigns, shall be a body-politic and corporate, by the name and style of the "Corinth Deposit Bank," and shall so continue for thirty years from its organization ; and shall be capable of contracting and being contracted with, of suing and being sued, of impleading and being impleaded, of answering and defending, in all courts and places whatsoever ; it may have a common seal, and change and renew the same at pleasure.

Management.

Elections.

§ 2. Said bank shall be under the direction and control of five directors, all of whom must be stockholders, and, after the first election, shall be elected every two years, commencing on the first Monday of

January after the first election, and on the first Monday in January every two years thereafter, and hold office until their successors are elected and qualified; they shall elect one of their number president, and shall hold regular meetings at such times as may be fixed by the by-laws; and other meetings may be held whenever deemed necessary; and in case of death or resignation of any director, the vacancy shall be filled by the board of directors. The directors shall have power to receive subscriptions for so many of the shares of the stock of said company remaining unsold as they may at times choose to sell; to declare dividends of the profits arising out of the business, and to appoint such officers, agents, and servants as they may deem necessary to conduct the business of the bank, and pay them such sums as wages and salaries, and to take from them such bond to secure the faithful performance of their duties, as they shall deem proper and reasonable. The stock shall be deemed personal property. and shall be assignable according to such rules as the board of directors shall from time to time establish; but said corporation shall have a lien on the stock to secure any indebtedness by the stockholders for any unpaid balance due thereon.

§ 3. The private property of the stockholders shall be exempt from the corporate debts, save that each stockholder shall be liable for corporate debts to the amount of his or her unpaid subscriptions to the capital stock.

§ 4. W. H. Daugherty, G. W. Trimnell, R. C. Ford, T. H. Dougherty, A. Bean, J. M. Minor, W. W. Scott, J. M. Lancaster, W. H. Childers are hereby appointed commissioners, any one of whom may open books and receive subscriptions for capital stock; and when one hundred shares have been subscribed, it shall be his or their duty (as the case may be) to give notice by written or printed notices or otherwise, and appoint a day for the election of a board of directors, who shall hold their office until the ensuing election.

The payment of the shares subscribed shall be made as prescribed by the board of directors; and should any of the subscribers fail to pay for their subscription of stock as herein provided, after giving notice to them of their intention for thirty days, the directors may, by resolutions entered on their records, resell the same at such times as they may deem expedient. Said corporation may commence business as soon as five thousand dollars shall have been paid in.

Deposits.

§ 5. Said bank may receive deposits of gold, silver, bank notes, and other notes which may be lawfully circulating as money, and repay the same in such manner, at such times, as may be agreed upon with the depositors by special or general contract; may deal in loaning money, exchange, promissory notes, and other evidences of debt; take personal and other securities for the payment thereof, and dispose of the latter as provided by an act for the benefit of the incorporated banks of this State, approved March 16, 1871; and the promissory notes made negotiable and payable at its banking house, or at any bank, and inland bills which may be discounted by it, shall be, and they are hereby, put upon the footing of foreign bills of exchange.

Real estate.

§ 6. The said corporation may acquire, hold, possess, use, occupy and enjoy all such real estate, goods and chattels, as may be necessary for the transaction of its business, or which may be conveyed to it as surety for any debt, or purchased in satisfaction of any debt, judgment or decree, and sell and convey the same; and they may make such by-laws for their government as they may deem necessary: *Provided*, The same be not contrary to the Constitution and laws of this State or of the United States: *And provided further*, That no real estate purchased by them in satisfaction of any debt, judgment or decree shall be held for a longer period than five years.

By-laws.

§ 7. It shall not be lawful for said bank to issue any note or bill to be passed and used as money.

§ 8. The General Assembly shall have the right to ^{General assembly.} examine the affairs of said corporation by any committee or officer they may appoint for the purpose.

§ 9. The capital stock of said bank may be in- ^{Capital.} creased from time to time as the directors may deem advisable and proper, but not to exceed one thousand shares.

§ 10. The election of officers shall be held in Cor- ^{Election.} inth, and each stockholder shall be entitled to one vote for each share of stock held by him or her, and may vote in person or by written proxy.

§ 11. This act shall take effect from its passage.

Approved March 19, 1888.

CHAPTER 588.

AN ACT to incorporate the Central Valley Railway Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Abram T. Keightley, William Daggy, J. ^{Incorporators.} W. Lee, W. H. McElwain, L. A. Wheatly, J. D. Shouse and John R. Cravens, their associates, successors and assigns, be, and they are hereby, created a body-politic and corporate, under the name and style of the Central Valley Railway company, with ^{Name.} perpetual succession; and shall have power to contract and be contracted with, to sue and be sued in and under the corporate name; to acquire, hold and transfer real and personal property, for carrying into execution all its business and operations; to have a common seal, and may alter or amend the same at pleasure, and to do any and every thing necessary, proper or convenient to be done to carry out or facilitate the objects, purposes and operations of this company.

§ 2. The board of directors of said railway com- ^{Directors.} pany shall be stockholders therein, and shall consist

of not less than five nor more than nine members, a majority of whom shall constitute a quorum, and shall have power to fill vacancies in said board if any occur therein, and to transact all the business of the company. The directors shall be duly qualified as provided by law, and it is hereby provided that the incorporators named in a preceding section shall constitute the first board of directors for said railway company; and they shall organize said company within six months from the granting of the charter, by electing one of their number president of said company; and they may elect, or they may authorize the president of said board to appoint, such other officers and employes, or any number thereof that may be necessary to carry out the provisions of this act. Said directors shall have power to adopt a code of by-laws for the purpose of conducting and regulating the affairs and business of said company, and to do all things provided for in this act; and things not herein set forth for the best interest of said company, and not in conflict with the Constitution and laws of the State of Kentucky. Said directors and officers shall serve until their successors are duly elected and qualified.

President

§ 3. The capital stock of said railway company may be fixed by the board of directors in any amount necessary to locate, construct and equip the same; but if the amount first named be insufficient for said purpose, then said board may, from time to time,

Capital stock.

increase the amount necessary for carrying said provisions into effect. The capital stock of said railway company shall be divided into shares of one hundred dollars each, and individuals, railroad companies or corporations, and other corporations, either within or without this State, may subscribe for and hold stock in said company. Stock in said company shall be paid for in installments and in such amounts, place and manner as may be directed by the board of directors; but if any stockholder fails to pay any

Increase capital.

such installment or any part thereof, for the period of sixty days after being demanded, then said stock shall be forfeited to said company; and said stock may be disposed of in such manner as the board of directors may think to the best interests of the company. In all meetings and elections of stockholders of said company, each stockholder shall be entitled to one vote for each share of stock so held, which may be voted in person or by written and legally attested proxy. All meetings of the stockholders of said company shall be held within the State of Kentucky; but meetings of the directors for the election of officers and for other purposes may be held outside of said State.

§ 4. It shall be lawful for the president and directors of said company to open stock books for subscription to the capital stock of said company at such times and places, and continue them open such length of time and in such manner as may be deemed necessary. The capital stock of said company is hereby declared to be personal property, and the share or shares and interests of stockholders in said company may be issued, certified, transferred and registered in such manner and at such time and at such place as may be prescribed by the by-laws of said company. The private and personal property of officers and stockholders shall be exempt from all liability for the debts of the corporation. Said company may acquire any corporate rights, privileges and franchises in other States, and may use the same in any manner not inconsistent with this act or the laws of Kentucky. All the property, real, personal and mixed, including the line, land, equipment and appurtenances of said railway company, shall never be taxed at a greater rate than other railways within the State are now taxed or may hereafter be taxed, and in no event exceeding its actual value. Said company shall begin work on its proposed line within two years from the date

Subscription
books.

Personal prop-
erty.

Private property
not liable for cor-
porate debts.

of the charter, and shall in good faith continue its construction, and shall complete the same as soon as practicable thereafter: *Provided*, That as many as ten miles of said road shall be completed each year.

Railroad, tele-
graph and tele-
phone.

Route.

§ 5. Said railway company is hereby authorized and empowered to locate, construct, maintain and operate such number of railway tracks, telegraph and telephone lines, as may be deemed necessary, on a strip of land not to exceed one hundred feet in width, except when the cuts and fills may require a greater width, beginning at a convenient and practical crossing for a bridge over the Ohio river, at the north line of Trimble or south line of Carroll county, in the State of Kentucky; thence in a southerly direction to Bedford, in Trimble county; Sulphur, New Castle, Eminence, in Henry county, and Shelbyville, in Shelby county, or as near thereto as possible by the best and most practical route; and thence through the counties of Anderson, Mercer, Boyle, Casey, Russell and Clinton, to the dividing line between the States of Kentucky and Tennessee, or connecting with some other railway within said State of Kentucky; and shall have the right to construct all necessary branch lines with the same rights and privileges as the main line, together with all side-tracks, turn-outs, switches, turntables, engine-houses, car-houses, depots, car-shops and other buildings or structures whatsoever, and all rolling stock, engines, cars, machinery and other things that said company may deem necessary and proper for the prosecution of its business, and to acquire and to hold all lands proper and necessary for their structure, operation and maintenance.

Receive dona-
tions.

§ 6. Said railway company may receive, by donation, lease, purchase or otherwise, land and material for the construction and maintenance of said railway; but when land and material can not be procured as herein named, and for the purposes named, then the same may be taken and obtained by being

condemned as provided by law; and said railway company shall have the right and privilege to cross other railroads on the same level, or over or under them, and to approach and cross any or all streams, to occupy and cross all public highways necessary in the location, construction and maintenance of said railway.

§ 7. Said railway company shall have power to purchase or lease any connecting railroad within or without this State, and may subscribe stock to any railroad company within or without this State, and may consolidate said railway with any other railroad company within or without this State, upon such terms and conditions as may be agreed upon by and between the companies so uniting, connecting or consolidating; and for that purpose full power is given to said railway company to make and execute such contracts with any other company as will secure the objects and aims of connection by lease, sale, purchase or otherwise. Said company may sell or lease said railway, or any of its branches, or any part of them, on such terms and in such manner as the directors may deem expedient. Purchase other lines.

§ 8. Said company, in order to raise funds for the construction, equipment and operation of its railway and branches, may borrow money, and issue and sell the bonds of said company, at a rate of interest not to exceed eight per cent. per annum, interest payable semi-annually. The bonds of said company may be issued for a period of forty years, and to secure the payment of the principal and interest thereof, a mortgage or deed of trust may be executed on said railway and all its property and franchises, to a trustee or trustees, with such covenants and stipulations as may be necessary to effect the proper objects of their execution; and in order to finally pay all the indebtedness of said company, it is authorized and empowered to create a sinking fund Bonds.

for that purpose, in such manner as the board of directors may deem the most practical.

Executive com-
mittee.

§ 9. The board of directors of said company are authorized to appoint an executive committee of not less than three from their number, of whom the president of said company shall be one, and *ex officio* chairman, to conduct and manage the affairs and business of said company during the intervals of the meetings of the directors; the directors may, at any time and for good cause, discontinue said executive committee, or remove any number therefrom. The board of directors shall authorize and empower the president and civil engineer of said company to make contracts with any individual or individuals, company or corporation, for constructing, equipping and maintaining said railway and its branches, or any part thereof, and pay for the same, wholly or in part, in the stock, bonds or other property of said company, upon such terms and conditions, and in such manner, as may be deemed for the best interest of said company.

County, city or
town may take
stock.

§ 10. It shall be lawful for the legally constituted authorities of any incorporated city or town, township, voting precinct or county, through which said railway or any of its branches shall be located, to donate, lease or sell to said company a right of way to lay a track or tracks, build a depot, and such other houses and structures as may be deemed necessary, any street, highway or property, or any portion of the same that said railway company shall select for such purpose. Said company may acquire title to and hold land by donation in payment of stock, by purchase or lease, and have the right and authority to use, sell, lease or operate or exchange the same for the benefit of said company: *Provided*, That all lands acquired by said railway company, and which may not be necessary for the construction or operation of railroad, shall be sold by said railway company within five years after the completion of said

Acquire lands.

railway through the county in which said lands are situated.

§ 11. The board of directors of said railway company shall have power to establish such toll and rates for the conveyance of persons, property and freight on their railway and branches, not exceeding the tolls and rates charged by other railroads in this State, or not exceeding the legal limits which may be established by general laws regulating charges for passage and freight on railroads in this State.

§ 12. This act shall take effect and be in force from and after its passage.

Approved March 19, 1888.

CHAPTER 589.

AN ACT to incorporate the Rugby Mining Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Alfred T. Pope, A. W. Overton, and their successors in perpetuity, are hereby incorporated as “The Rugby Mining Company.” Under that name they are authorized to sue and be sued, to make contracts, to have a common seal, and alter the same at pleasure, and to do all other things incident to corporations, and that may be necessary to carry out the purposes of this act ; and may establish its principal place of business at any point in this State.

§ 2. Said corporation is authorized to do a general mining business in coal, iron and other substances ; may engage in making coke, iron, steel and the like ; may deal in fire-clay and lumber of every kind ; may erect and operate mills and blast furnaces ; and may bore for gas, salt, oil and other substances upon its own property.

§ 3. Said corporation may sell and ship the products of its mines, wells, mills and lands to any market, and

to facilitate this, may connect its own mines, mills, furnaces, etc., with the line of any railroad or river near thereto; and to this end may erect and operate chutes, tramways, road-beds, steam engines and cars over its own lands or the lands of others, their consent having been first obtained; but it shall not have the right to condemn such lands.

Books of sub-
scription.

§ 4. The aforesaid incorporators are authorized to open books for the subscription of stock, and when one hundred shares are subscribed, the corporation may commence business. The officers shall consist of a president, vice-president, secretary, treasurer, and a board of seven directors. The directors shall be elected by the stockholders as soon as convenient, after an hundred shares are subscribed, and the directors shall elect the other officers and fill all vacancies. There shall be an annual meeting of the stockholders for the election of directors, and the transaction of other business, on the second Tuesday in January of each year; but the directors, by resolution, may change the time for this annual meeting, and fix the place, and may also call stockholders' meetings whenever the business of the corporation requires it.

Elect officers.

Capital stock.

§ 5. The capital stock of said corporation shall be one million dollars, to be divided in shares of one hundred dollars each, for which certificates shall be issued, signed by the president and countersigned by the secretary, which shall be transferable; but the corporation shall not be compelled to take notice of any assignment of its stock until the same is noted on the books of the company. The stock shall be personal property.

Officers and
agents.

§ 6. The board of directors may employ such officers and agents as may be necessary to transact the business of the company, and fix the terms of employment, and require, in their discretion, bonds for the faithful performance of their duties; and shall have the power to make such by-laws, rules and regu-

lations, from time to time, as they may deem proper for the interest of the corporation, not inconsistent with the general laws of the State.

§ 7. The corporation may buy, lease and hold such Hold real estate. lands, mines, mining property, minerals, timber, and such other property as may be necessary and convenient in the transaction of its business, and may sell, convey, rent or mortgage the same; and it may receive real or personal property in payment for stock upon such terms as may be agreed upon.

§ 8. The corporation shall have the power to issue May issue negotiable paper. negotiable coupon bonds to an amount not exceeding five hundred thousand dollars, bearing not exceeding six per cent. interest, payable semi-annually, in not more than thirty years; and to secure the same may mortgage its franchises, its real estate or personal property, the bonds to be signed by the president and countersigned by the secretary, or their signature may be engraved. The mortgage must be signed and acknowledged by the president; the corporation shall also be empowered to buy the stock of, or consolidate with, any other corporation upon the terms agreed upon. It may employ one or more deputy sheriffs of the county in which its mining property is situated to preserve the peace, and enforce the laws on and about the premises, to make arrests, and exercise a general police supervision thereof.

§ 9. It shall be unlawful for any person to sell Liquors. spirituous, vinous, malt or fermented liquors upon the lands of the corporation, and any violation of this provision shall be punished by a fine of sixty dollars, to be recovered by indictment.

§ 10. This act shall take effect from and after its passage.

[Became a law without approval of Governor March 19, 1888.]

CHAPTER 590.

AN ACT to authorize the trustees of the town of Bardwell to borrow money for the purpose of improving and opening streets in said town.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the board of trustees of the town of Bardwell are hereby authorized to borrow a sum of money not exceeding one thousand dollars, for the purpose of improving and opening streets in said town ; and may agree to pay for same any rate of interest not exceeding ten per cent. per annum. But before same shall be borrowed an order to that effect shall be entered upon the record book of said board, specifying the amount to be borrowed, the rate of interest to be paid ; and said order shall show that a majority of said board consented thereto.

§ 2. When said order has been made, the police judge of said town shall be, and he is hereby, appointed to carry same into effect ; and to that end may execute the necessary bonds or note for the sum borrowed, bearing the rate of interest agreed on, and payable at the time stipulated by the board, and for which said corporation shall be responsible in their official capacity, and which may be enforced against said town by appropriate proceeding in law or equity.

§ 3. The board is hereby authorized to annually lay a special levy upon the taxable property in said town, not exceeding twenty-five cents on each one hundred dollars' worth, to be devoted exclusively to the payment of the principal and interest upon the money borrowed.

§ 4. This act shall take effect from and after its passage.

[Became a law without approval of Governor March 19, 1888.]

CHAPTER 591.

AN ACT to incorporate the Paris Street Railway Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That J. M. Thomas, J. T. McMillan and Ossian Incorporators. Edwards, and their successors, be, and they are hereby, created a body-corporate and politic, by the name of the "Paris Street Railway Company," with all the powers and authority incident to corporations for the purpose hereinafter mentioned ; and said corporators, or any two of them, may open books of subscription, and receive subscriptions to the capital stock of said company, at such times and places, and upon such notices thereof, as they may deem proper and right.

§ 2. The capital stock of said company shall be one Capital stock. hundred thousand dollars, divided into shares of one hundred dollars, and be issued and transferred in such manner, and upon such conditions, as the board of directors of said corporation may direct ; but the corporation may be organized when as much as twenty-five thousand dollars of said stock shall have been subscribed.

§ 3. The affairs of said corporation shall be managed Managers. by a board of not less than three nor more than five directors, at the option of the stockholders, to be chosen by the stockholders, one of whom shall be president, and all of whom shall be stockholders in said corporation, and who shall continue in office for one year, or until their successors are elected and qualified ; said board of directors shall have authority to elect or appoint such other officers or agents as they may deem necessary, and discharge the same at their pleasure ; and may adopt such by-laws, rules and regulations, for the government of said corporation and the management of its affairs and business as they may deem proper, not inconsistent with the laws of the State ; may fill all vacancies in their body

which may happen by death, resignation or otherwise; and may make such calls of payment of stock as they may deem proper. The first election of directors shall be held as soon as twenty-five thousand dollars of the capital stock shall be subscribed, of the time and place of which election the corporators, or such of them as act, shall give such notice as they may deem right and proper.

Business.

§ 4. The said corporation is hereby authorized and empowered to construct, maintain and operate a single track railway, not exceeding six feet in width, with all necessary and convenient tracks for turn-outs, side-tracks and appendages, in the city of Paris and the county of Bourbon, in the State of Kentucky, in, on, over and along such street or streets, highway or highways, within the present or future limits of the city of Paris, as the mayor and board of councilmen of said city shall authorize; said Paris Street Railway Company so to do in such manner, and upon such terms and conditions, and with such rights and privileges, as the said mayor and board of councilmen may, by contract or otherwise, with said corporation, prescribe; and to extend said railway to any point or points, not exceeding three miles from the limits of Paris as they now exist; and in making such extensions it may make the same in, on, over and along any roads, bridges and highways entering said city of Paris, in such manner and upon such terms and conditions, and with such rights and privileges, as the county court of Bourbon county, or other corporation or corporations owning or controlling such roads, highways and bridges may, by contract or otherwise, with said Paris Street Railway Company, prescribe; and to such ends the mayor and board of councilmen of the city of Paris, the county court of Bourbon county, and all other corporations, are hereby authorized and empowered to contract with said Paris Street Railway Company.

§ 5. To enable said corporation to construct the rail-ways authorized by this act, the said corporation is invested with the right to acquire such land or right of way, by writ of *ad quod damnum*, in the same manner that turnpike road companies are authorized by the General Statutes of Kentucky, as may be necessary for laying their tracks, side-tracks, turn-outs, for car sheds and stables. The said corporation is authorized and empowered to acquire, hold, improve, mortgage and convey real estate in the city of Paris and Bourbon county, exclusive of the tracks and right of way, to an amount not to exceed five hundred thousand dollars. The said corporation may borrow money to an amount not to exceed five hundred thousand dollars, at such rate of interest as it may determine, not to exceed six per cent. per annum, and issue its bonds in sums of one hundred, five hundred and one thousand dollars, and may pledge and mortgage the property of the corporation, including railway tracks, fixtures, rolling stock, and all appurtenances and real estate belonging to said corporation; and said corporation may, at any time, purchase its capital stock.

Acquire rights
of way, etc.

Borrow money.

§ 6. The rate of fare for any distance within the city limits shall not exceed five cents, and outside the city limits it shall not exceed ten cents for each passenger, except when cars or carriages shall be chartered for a specific purpose.

Rates.

§ 7. The cars to be used upon said railways shall be operated by animal or other power, excepting steam; and the streets on and along which said railway company may run their tracks shall be kept in good repair by said company for two feet on either side of the track, so long as said company shall continue to operate said roads, under such regulations as the mayor and board of councilmen of the city of Paris may prescribe by ordinance or agreement, and the said tracks and said two feet on each side thereof shall be under the control of said company.

Motive power.

Obstructions.

§ 8. That any person obstructing said railway or ways, or cars running thereon, in any way whatever, or preventing the use thereof for public travel, or who shall willfully damage or injure any of the property of said company, shall, on conviction thereof, be fined in any sum within the discretion of a jury as in cases for a misdemeanor, and shall be liable by civil action to said company.

§ 9. That any person willfully or maliciously placing any obstruction on said railway or road, or otherwise causing the cars or other carriages thereon to be thrown off the rails, or by placing obstructions thereon, or making holes in the road-way or near thereto, whereby any person or persons are injured, or his or her life endangered, shall be deemed guilty of a felony, and, upon conviction thereof, shall be confined in the jail and penitentiary of this State for not less than six months nor more than ten years, at the discretion of a jury, and shall be liable to said company for the injury to their property.

§ 10. Work upon said street railway shall begin in good faith within three years, and the road in operation within five years after the passage of this act.

§ 11. This act shall take effect and be in force from and after its passage.

[Became a law without approval of Governor March 20, 1888.]

CHAPTER 593.

AN ACT to incorporate the Hancock Storage and Warehouse Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Incorporators.

§ 1. That John W. Beauchamp, W. W. Taber, W. S. Thomas, Robert Winn, R. C. Lamar, R. E. Duncan and J. J. Storm, and their successors, associates

and assigns, be, and they are hereby, created a body-corporate and politic, under the name and style of "The Hancock Storage and Warehouse Company," with power to sue and be sued, contract and be contracted with, and to have all other general rights, powers and privileges of other corporations.

§ 2. That the capital stock of said company shall Capital stock not exceed five thousand shares of ten dollars each, which shall be personal property, and evidenced by the certificates of the company, and transferable as may be prescribed by the company or the directors thereof.

§ 3. The affairs of said corporation shall be con- Board of directors. ducted by a board of directors of not less than three nor more than seven members, who shall be elected by the stockholders at an election to be held at Hawesville on the fourth Monday in January, 1889, who shall hold their offices for one year, and until their successors are chosen. The incorporators herein named shall constitute the first board of directors, until their successors are elected; and should an election fail to be held annually on the day named, it may be held on any subsequent day, of which notice shall be given to the stockholders, either personally, in writing, or through the newspapers published in the county of Hancock. Said board shall elect a president and vice-president, secretary and treasurer, the first two of whom shall be members of the board, and may appoint all such other officers and agents as they deem necessary in the transaction of the business of the corporation, and may fill any vacancies that may occur in the board.

§ 4. The said corporation shall have power to lease, Power to lease or own real estate. purchase, acquire and hold real and personal estate, and to sell, rent, lease or exchange the same, and to receive and execute deeds of conveyance or leases, and to buy, lease or construct one or more warehouses, with such additional buildings, screws and other implements and fixtures as may be necessary or con-

venient in carrying on the business of the company ; and may acquire and hold approaches and avenues, and to construct roads to and from its properties.

Receive commodities for storage.

§ 5. Said corporation may receive tobacco, grain and other agricultural or merchantable products and commodities, for storage or for safe-keeping, and issue warehouse receipts therefor to the person, persons or corporations who may store or warehouse with it ; and any warehouse receipt issued by it shall be evidence of the storage or custody of the property named and described in the body thereof, which receipt shall describe the character, grade or quality of the tobacco or grain or other product ; and if of different grades, shall state each separately and as specifically as may be. The said warehouse receipts, when so issued, may be assigned by the parties, persons or corporations to whom issued, by the said parties, persons or corporations written on the back of any such warehouse receipt, and which, so written, shall pass the title to the property in storage evidenced by said warehouse receipts.

Rates.

§ 6. Said corporation may charge such rates or commissions for the warehousing storage, either upon the value of the property stored and put in its custody or the space it may occupy, or both, as shall be assented to by the persons so placing it in its custody, which rates or commissions, and all other charges against the property, shall be stated in or indorsed on the receipt.

Make advances

§ 7. It may make advances on tobacco or other products stored with it or given to its custody, upon rates, charges and commissions to be mutually agreed upon, in writing, between it and the parties, persons or corporations who may store their property in its warehouses or place it in their custody ; and it shall have a prior lien on all property that may be stored or warehoused with it or given to its custody for its warehouse rates, charges, commissions and advances.

Warehouse receipts.

§ 8. Any and all warehouse receipts that may be issued by the said company, as herein authorized, the

holders thereof may pledge or hypothecate as collateral with any bank or banker, as may be in accordance with the usages of trade and commerce in pledging or hypothecating commercial securities as collateral, to secure the payment of a debt or liability or the performance of the conditions of any contract, fixed or conditional, in any locality in which the pledge or hypothecation may be made; and the banks or bankers who may take, receive or hold said warehouse receipts in pledge or hypothecation as collateral for a past or present debt, or conditional liability or obligations, shall be entitled to have and enforce the like remedies thereon as they may now or hereafter have on commercial securities pledged or hypothecated with them as collateral: *Provided, however,* That if said company shall fail to state in the 'body of its warehouse receipts, or to indorse thereon any advances it has made thereon, together with the rates, charges and commissions due or to be due thereon, and the said warehouse receipt shall be sold, pledged or hypothecated for value to an innocent purchaser or party, then said corporation shall not have a lien prior or superior to that of such purchaser or party.

§ 9. That said corporation may buy and sell on its own account, or on commission, at a compensation to be fixed by a per cent. commission or otherwise, tobacco, grain, hay and other merchantable or agricultural products or commodities, and also charge commissions on any purchases or sales made by it, and may conduct daily sales, or sales made at intervals, of any of the aforesaid things at public auction or private sale, and may conduct all such business as may properly appertain or be conducted in connection with a tobacco, grain or agricultural market and a general commission and forwarding business in these and other merchantable and agricultural products and commodities.

May buy and sell on its own account or commission.

§ 10. Said corporation may strip, stem, prize, as-sort, put up and handle, in any way demanded by

Prepare goods for market.

the parties, persons or corporations delivering their products to it for a fixed compensation, and keep, store, forward or ship the same to market, or deliver the same to whomsoever it is ordered or directed on the payment of the charges thereon. Said corporation may also manufacture tobacco in any or all of its branches: *Provided*, The company may confine itself to any one or more of said branches of business.

Location of
principal place
of business.

§ 11. The principal office of said company shall be in the city of Hawesville, and it may establish branches, agencies and warehouses at such other places, in or out of the county of Hancock, as the board of directors may determine.

Capital stock.

§ 12. The capital stock shall be paid in, in such installments as the board of directors may determine, and may be increased at any time, if deemed advisable by the board of directors, to a sum not exceeding two hundred and fifty thousand dollars, to be paid in in such amounts and at such times as the said board may determine; and the said corporation may proceed to organize and conduct its business whenever two hundred shares of stock shall have been subscribed for.

Issue bonds.

§ 13. The board of directors shall have power, if they believe the interest of the corporation requires it, to issue its bonds, not in excess of its authorized capital stock, with coupons of interest thereto attached, not to exceed eight per centum per annum, payable at such times and places as may be named in the body thereof; and to secure the payment thereof may execute one or more mortgages, to one or more trustees, for the benefit of the holders of its bonds, upon its real and personal property and its franchises.

Private property
not liable for
corporate debts.

§ 14. The stockholders in this corporation shall not be individually liable for its debts.

§ 15. This corporation shall continue and endure for fifty years from the date of its organization.

§ 16. This act shall take effect and be in force from and after its passage.

[Became a law without approval of Governor March 21, 1888.]

CHAPTER 594.

AN ACT to amend an act, entitled "An act to incorporate the Beech Grove Sunday School Union of Campbell county," approved February 11, 1880.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall be unlawful for any person or persons, other than the board of directors of the Beech Grove Sunday School Union, or such person or persons as may be authorized by said board, to sell any kind of refreshments or products of the soil, either on the grounds of the Beech Grove Sunday School Union, or within one mile of the same, on the same day or days on which the said Union holds its Sunday schools, Sunday school celebrations, picnics, etc.

§ 2. Any person violating this act shall, upon conviction thereof, be fined in any sum not less than ten dollars nor more than fifty dollars for each offense, recoverable by warrant in any court of competent jurisdiction.

§ 3. This act shall not apply to such person or persons as shall be regularly engaged in the business of keeping a general store, at his or their usual place of business within said limits.

§ 4. This act shall take effect from and after its passage.

[Became a law without approval of Governor March 21, 1888.]

CHAPTER 595.

AN ACT to prohibit the sale of spirituous, vinous or malt liquors in one and one-half miles of Bethany Church, in Morgan county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall be unlawful for any person to sell or vend any spirituous, vinous or malt liquors, or a

mixture of either, in any quantity, within one and one-half miles of Bethany Church, in Morgan county.

§ 2. That any person violating the provisions of this act shall be subject to the penalties and punishments which are imposed by statute upon persons guilty of retailing and tippling.

§ 3. This act shall take effect from and after its passage.

[Became a law without approval of Governor March 21, 1888.]

CHAPTER 596.

AN ACT for the benefit of John J. Hammond, of Anderson county.

WHEREAS, John J. Hammond, of Anderson county, twenty years of age, being competent to transact business,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said John J. Hammond be, and he is hereby, relieved from all disabilities of infancy, and it shall be lawful for said John J. Hammond to receive, and his guardian to deliver to said John J. Hammond, any money or property that may be in the hands of said guardian belonging to said infant.

§ 2. It is further enacted that said John J. Hammond be, and he is hereby, empowered to contract and be contracted with, and to sue and be sued, as though he was twenty-one years of age.

§ 3. This act shall be in force from and after its passage.

[Became a law without approval of Governor March 21, 1888.]

CHAPTER 597.

AN ACT to prohibit the sale of liquors on election days in Adair county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall be unlawful to sell, give, loan or furnish any person any spirituous, vinous or malt liquors, or any mixture thereof, either directly or indirectly, except for medicinal purposes, on a prescription made and signed by a regular practicing physician on any election day, either primary, school, county or State, in the county of Adair.

§ 2. Any person who shall violate the provisions of the above shall be deemed guilty of a misdemeanor, and, on conviction thereof before any justice of the peace, shall be fined not less than ten dollars and not more than thirty dollars for each offense.

§ 3. This act shall take effect from and after its passage.

[Became a law without approval of Governor March 21, 1888.]

CHAPTER 598.

AN ACT to prevent the use of intoxicating liquors at or within three miles of the election ground at any election in the counties of Floyd and Johnson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall be unlawful for any person to give, sell, loan, or otherwise procure for themselves or another, on the day of holding any State, county or municipal election in the counties of Floyd and Johnson, held under the laws of this Commonwealth, any spirituous, vinous or malt liquors, or mixture of any or either of them, or any other intoxicating drink, except cider, at the place of holding such election,

or within three miles thereof; and any person violating the provisions of this act shall be fined not less than twenty-five nor more than fifty dollars, to be recovered on indictment by the grand jury of said county.

§ 2. This act shall not apply to church purposes or sacramental occasions, nor to physicians in the bona fide practice of their profession.

§ 3. This act to take effect from its passage.

[Became a law without approval of Governor March 21, 1888.]

CHAPTER 599.

AN ACT to incorporate the Commonwealth Fire and Marine Insurance Company of Covington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Robert Hamilton, Frank P. Helm, F. J. Meyers, George G. Perkins, H. B. Wells, O. J. Wiggins, J. P. Orr, L. H. Brooks, E. J. Hickey, or such of them as may act, and their associates, successors and assigns, be, and they are hereby, created a body-corporate, under the name and style of the Commonwealth Fire and Marine Insurance Company of Covington, Kentucky, with perpetual succession, and full powers to contract and be contracted with, sue and be sued; to acquire, use, hold and dispose of such real and personal property as may be necessary for the proper conduct of its business; to invest its capital and the funds accumulated in the course of business, or any part thereof, in any bonds, stock, mortgages, and deeds of trust on real estate in or out the State of Kentucky; to loan its said capital stock and accumulated funds on such security as its board of directors may determine: *Provided*, Said investments and loan are such as are required by the insurance laws of this State; to insure houses,

buildings and all other kinds of property against loss or damage by fire, or from lightning or tornado, in or out of this State; and to make all kinds of insurance on goods, merchandise and other property in course of transportation, whether on land or water; to cause itself to be insured against any loss or risk it may incur, and upon the interest it may have in any property; to consolidate with, or purchase the rights and property of, any other fire insurance company, and to generally do and perform all other matters and things proper to promote these things; to enact by-laws and regulations not in conflict with this act. The capital stock of said company shall be one hundred thousand dollars; but it may be increased at any time by a vote of stockholders holding two-thirds of the capital stock to an amount not exceeding five hundred thousand dollars.

§ 2. The said capital stock shall be divided into shares of fifty dollars each, which shall be paid in as may be provided by by-law; and said company shall not begin business until one hundred thousand dollars of capital stock is subscribed and paid in.

§ 3. The management and control of said company shall be vested in a board of directors of not more than eleven or less than seven stockholders, who shall have power to elect a president, vice-president, secretary and treasurer, or any of them, and appoint and employ such clerks, agents or other employes as they may deem necessary, and to generally conduct the business and make all by-laws and regulations of the company. Said board of directors shall be elected by the stockholders, who shall have one vote for each share of stock owned, and they may vote by proxy.

§ 4. The incorporators named in this act, or any of them, or a committee appointed by them, may open books and receive subscriptions to the capital stock; and after the stock is subscribed, the election of directors shall be held at such place and time as may

be designated by notice printed two weeks prior thereto in a newspaper printed or circulated in the city of Covington ; and an election for directors shall be held annually thereafter. The chief place of business of said company shall be the city of Covington, in this State, where the board of directors shall transact the business of the company.

§ 5. The private property of stockholders shall be exempt from liability for corporate debts.

§ 6. This act shall be in force from its passage.

Approved March 21, 1888.

CHAPTER 600.

AN ACT to incorporate the German Mutual Fire Insurance Company of Jefferson county.

Preamble.

WHEREAS, Henry Drescher, Henry Bickel, Joseph Wiedemann, Jos. Specht, Jacob Doll, Frank Schoenlaub, D. Zehnder, C. Tafel, Henry Holzheimer, Charles Kramer, Martin Kolb, Adam Winkler, T. N. Helmke, Andy Zender, Charles Hund, Joseph Schwab, Charles Rapp, Ph. Akermann, and numerous other German citizens of Jefferson county, Kentucky, have heretofore associated themselves together, and by assessments and dues paid from time to time by the various members of said association, which is known and called "The German Mutual Fire Insurance Company of Jefferson County, Kentucky," they, the said members, have been enabled to keep their various homes insured against loss by fire ; but as said association was never incorporated, and all the members are now desirous of being incorporated, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Incorporators.

§ 1. That Henry Drescher, Henry Bickel, Joseph Wiedemann, Joseph Specht, Jacob Doll, Frank Schoenlaub, D. Zehnder, C. Tafel, Henry Holz-

heimer, Charles Kramer, Martin Kolb, Adam Winkler, T. N. Helmke, Andy Zender, Charles Hund, Joseph Schwab, Charles Rapp, Ph. Ackermann, and their associates, now composing the association known as "The German Mutual Fire Insurance Company of Jefferson County, Kentucky," their successors and assigns, be, and they are hereby, created a body-corporate, under the name and style of "The German Mutual Fire Insurance Company of Jefferson County, Kentucky," with perpetual succession; and by that name are made capable in law to acquire and use such real or personal estate only as is necessary to conduct the business of said corporation, and said corporation may sell and dispose of such real or personal estate whenever the board of directors thereof may think advisable. The German Mutual Fire Insurance Company of Jefferson County, Kentucky, hereby incorporated, shall have power, through its directors, to contract and be contracted with, sue and be sued, implead and be impleaded, and defend in any court; to make and use a common seal, and the same to break, alter or renew at pleasure; to make, through its board of directors, such by-laws, rules and constitution, from time to time, as may be found necessary or convenient for the government of the corporation, its members and its officers.

§ 2. Said corporation is hereby empowered to insure Business. against loss, by fire or storm, the houses, buildings, goods, wares, or merchandise, or all other property of its members in Louisville or Jefferson county, Kentucky, and may issue written or printed policies as evidence thereof, subject to such conditions as may be contained in said policies of insurance or in the rules, by-laws or constitution of said corporation. The principal place of business of said company shall be in the city of Louisville and county of Jefferson, Kentucky.

§ 3. Each person who is now, or may hereafter become, a member of the German Mutual Fire Insurance

Company of Jefferson County, Kentucky, shall be entitled to one vote at all stockholders' meetings, which meetings shall be had at least once in every year, at such place as the directors may designate; and at such annual meetings the board of directors, to consist of such number as the members may designate, not exceeding seven, however, shall be elected, which board of directors shall hold their office for one year; and if for any reason the board of directors shall not be elected at the annual meeting of the members of said corporation, said board of directors shall continue in office until their successors are elected and qualified. Said board of directors shall have power to elect one of their number as president, and prescribe his duty; and they may also elect such other officers as they may from time to time find necessary for the proper management of the affairs of said corporation; and said board of directors may from time to time appoint such committees from their number or members or officers as may be found necessary, and shall require such bonds from their officers as are necessary for the faithful performance of their respective duties.

§ 4. Said board of directors shall have power to require such initiation fees from time to time as may be just and proper of such persons who hereafter become members of said corporation; and they may also, by rules, by-laws or constitution, from time to time, prescribe such monthly, quarterly, semi-annual or annual dues and assessments as may be necessary to properly conduct the affairs of said corporation from the various members thereof; they may also, in the name of the company, enforce the collection of such initiation fees, dues, assessments and fines in any court in Kentucky having jurisdiction thereof; and they shall also have power, by by-laws, rules or constitution, to provide fines and assess same against any member, not exceeding one dollar for each offense, for violating any of the rules, by-laws or

constitution of said corporation, which may from time to time be adopted by said directors; but such by-laws, rules or constitution shall not be inconsistent with this charter or the laws of the State of Kentucky or the United States.

§ 5. Whenever, in the opinion of said board of Assessments. directors, it shall become necessary, said board, through its authorized officer or officers, shall make a call or assessment upon each member of said company for such sum as may be necessary to pay any expenses of said company, including any loss or losses to any of its members against which said corporation has insured, which call or assessment shall be paid by said members within thirty days from the time printed or written notice of said call to such members shall have been mailed them; and any member who shall fail to pay his or her assessment or call within said thirty days from the time such notice shall have been mailed by such officer or officers as the board of directors may designate, shall stand suspended without further notice, and not entitled to any of the benefits of the company, or any insurance he or she may have during such suspension; but such member may be reinstated, and have all the benefit of said corporation upon paying to the properly authorized officer all arrears and such fine as may have been assessed against him or her.

§ 6. Any officer or agent or member found guilty of willfully and feloniously appropriating any of the funds of the company to his own use shall, in addition to being personally liable therefor, upon indictment and conviction, be punished by imprisonment in the State penitentiary of not less than one nor more than five years.

§ 7. The board of directors may pay such salaries, Salaries. from time to time, to the various officers of said corporation as, in the opinion of said board of directors, will justly compensate such officers for their services.

Books open for
inspection.

§ 8. The books of said corporation shall at all times be open to the inspection and examination of any of its members, as well as any officer of the State of Kentucky authorized from time to time to inspect or examine the same; and the officers of said corporation shall at all times furnish to such officer of the State of Kentucky such information concerning the working and management of said corporation as he may from time to time be lawfully entitled to.

§ 9. The private property of the members of said corporation shall be exempt from the corporate debts of same.

§ 10. This act shall take effect from and after its passage.

Approved March 21, 1888.

CHAPTER 601.

AN ACT to amend "An act to incorporate the Southern Pacific Company," approved March 17, 1884.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act, entitled "An act to incorporate the Southern Pacific Company," which was approved March 17, 1884, be, and the same is, amended by adding to section 1 thereof the following words, to wit: Except subject to and in conformity with the provisions of the laws of the State of Kentucky applicable to railroads, and requiring no special rights that may be possessed by any railroads in the State, except the general and ordinary rights of common carriers as possessed by railroads generally.

§ 2. This act shall take effect from its passage.

Approved March 21, 1888.

CHAPTER 602.

AN ACT for the benefit of J. W. Richardson, of Meade county.

WHEREAS, In the year —, John W. Richardson had issued, in the name of Jas. R. Berry, a peddler's license, authorizing said Berry to peddle for one year; and whereas, said Berry was thrown from his wagon on the day license issued, and was unable to prosecute his business; and whereas, there is no provision of law for transfer of license or refunding money; now, in order to reimburse the said Richardson, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor be authorized and directed to draw his warrant on the Treasurer in favor of John W. Richardson for the sum of one hundred dollars.

§ 2. This act shall take effect from and after its passage.

[Became a law without approval of Governor March 22, 1888.]

CHAPTER 603.

AN ACT to authorize George W. Smith to erect a mill-dam across the Rockhouse Fork of Big creek, in Pike county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That George W. Smith be, and he is hereby, authorized to erect a mill-dam across the Rockhouse Fork of Big creek, in Pike county, at a point where the said Smith owns the land on each side of the stream across which said dam is to be erected.

§ 2. This act shall take effect from its passage.

[Became a law without approval of Governor March 22, 1888.]

CHAPTER 605.

AN ACT to incorporate Persian Lodge No. 18, Knights of Pythias, of Bowling Green.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That W. W. Mansfield, Geo. E. Gary, D. T. Hamill, H. B. Hines, Wm. H. Natcher, W. T. Cox, W. M. Carr, B. P. Eubank, W. A. Eubank, J. M. Farnsworth, Nerge Clark, Frank Maier, R. E. Morningstar, J. B. Sumpter, L. F. Atkison, J. M. Robinson, N. P. Barclay, Geo. T. Wilson, Thos. B. Lyne, Tom. Jones, A. M. Parker, T. D. Slover, James A. Corbin, Graham Philipps, James Roberts, Charles Thompson, their associates and successors, shall be, and they are hereby, created a body-corporate and politic, by the name and style of "Persian Lodge No. 18, Knights of Pythias ;" and they and their associates and successors shall so continue and have perpetual succession, and by that name are made capable in law as natural persons to contract and be contracted with, sue and be sued, answer and be answered, plead and be impleaded, in all courts of law and equity in this Commonwealth ; to have and use a common seal, and the same to break, alter or amend at pleasure ; they may make and ordain regulations and by-laws for their government, and those now in force in said lodge to alter when deemed proper, and may change and renew the same at pleasure: *Provided*, They be not in contravention of the Constitution or laws of the United States or of the State of Kentucky, or of the constitution and laws of the grand lodge of the Knights of Pythias of the State of Kentucky.

§ 2. That said corporation shall have power and authority to acquire and hold real and personal property, not to exceed twenty-five thousand (\$25,000) dollars in value, and to lease, build or purchase such

house or houses as from time to time they may deem expedient. And whenever deemed expedient, or to the best interests of the lodge, may sell and convey any real or personal property they may own, and reinvest and dispose of its proceeds. A conveyance of any of the real estate belonging to said lodge may be made by such person, or the lodge may, by by-laws, prescribe, subscribing the corporate name and affixing the corporate seal.

§ 3. They may borrow money not to exceed ten Borrow money. thousand (\$10,000) dollars, and may secure the payment of same by mortgage on its real or personal property or otherwise, and on such time as they may deem expedient.

§ 4. The individual property of the members of this Individual prop- lodge shall not be responsible or liable for the debts erty not liable. of the corporation.

§ 5. In all proceedings, legal, equitable or otherwise, against this corporation, service of processes on the chancellor commander of this lodge shall be deemed sufficient.

§ 6. This act shall take effect from and after its passage.

[Became a law without approval of Governor March 22, 1888.]

CHAPTER 606.

AN ACT to incorporate the Excelsior Saving Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That C. K. Caron, H. R. Mitchell, T. L. Jeffer- Incorporators. son, C. T. Dearing, George Pearce, R. C. Kinkead, F. M. Scrimsher, A. T. Barr, E. A. Coyle, and their associates, successors and assigns, are hereby constituted a body-corporate, under the name of Excelsior Savings Corporate name. Company, with power to sue and be sued, contract and be contracted with ; to have and use a common seal, and

alter the same at pleasure ; to acquire, by any means, and hold, enjoy, sell, lease, rent, and convey real and personal property of every nature and description ; to make by-laws for the government of said corporation, and do such other acts as may be necessary for the proper conduct of the business of the corporation.

Principal office. § 2. The principal place of business of said corporation shall be the city of Louisville, Kentucky.

Nature of business. § 3. The nature of the business to be transacted by said corporation is—

1. To provide a depository for the savings of the stockholders of said corporation ; the investment and loan of such savings for the purpose of securing an income therefrom.

2. The purchase and sale of real and personal property of every description.

3. And do such business as is usual with similar corporations.

Directors. § 4. The affairs of the corporation shall be conducted by a board of directors composed of nine stockholders, who shall be elected by the stockholders in said corporation on the first Saturday in January, 1889, and the same day each year thereafter ; said directors shall elect a president, vice-president, and the secretary and treasurer from their number at their first meeting after the annual election, and the office of secretary and treasurer may be held by one and the same person. Until said first annual meeting shall be held in January, 1889, the incorporators above named shall constitute the board of directors, and C. K. Caron shall be president, T. L. Jefferson shall be vice-president, H. R. Mitchell shall be secretary, and E. A. Coyle treasurer ; and all officers in said corporation shall hold their respective offices until their successors shall be elected and accept such office ; and no one shall be an officer in said corporation excepting a stockholder therein. Said board of directors shall fill all vacancies occurring in the board.

When elected.

Officers.

Vacancies.

§ 5. The capital stock of said corporation shall be Capital stock one hundred thousand dollars, divided into shares of Shares. the par value of one hundred dollars each; and each share subscribed for shall represent one vote at all meetings of said stockholders of said corporation; and said stock may be increased to any amount not exceeding five hundred thousand dollars at a meeting of stockholders called for that purpose, if the majority in number of stockholders shall vote in the affirmative for such increase. Subscriptions to the Subscriptions, how made and paid. capital stock of said corporation shall be made and paid in at such times, in such amounts, in such manner, and upon such terms and conditions, as provided in the by-laws. Certificates for said stock shall be Certificates of stock. issued for each one hundred dollars actually paid in, and said stock shall be transferable only on the books of the company upon such terms and conditions as may be provided in the by-laws.

§ 6. The said corporation may commence business Commence business. upon the passage of this act, and shall continue for twenty-five years.

§ 7. The greatest amount of indebtedness to which Indebtedness limited. said company shall at any time subject itself shall be twenty-five thousand dollars.

§ 8. The private property of the stockholders shall Exempted property. be exempt from liability for its corporate debts.

§ 9. This act to be in force from and after its passage.

[Became a law without approval of Governor, March 22, 1888.]

CHAPTER 609.

AN ACT to incorporate the Maysville Fair Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John N. Thomas, J. L. Browning, Robt. Incorporators. Kirk, J. C. Everett, D. Heshinger, Jas. W. Fitzgerald, P. P. Parker, their associates, successors and assigns,

are hereby created a body corporate and politic, with

Corporate name. perpetual succession, under the name of the Maysville Fair Company ; and by that name it may contract and be contracted with, sue and be sued, plead and be impleaded, in any or all courts of law or equity ; may

Corporate powers. acquire by purchase, lease or otherwise, land, or the right to the use of land, in Mason county, for the purpose of the association ; may improve it ; may sell and convey the same, or any part thereof, at pleasure, and

Acquire real estate. acquire and improve other in its stead : *Provided*, That the quantity of land held by the association shall at no time exceed two hundred acres ; may acquire,

Personal property. hold and dispose of such personal estate as it may deem necessary and proper for promoting the improvement in the various breeds of cattle, horses, hogs and other live stock, by holding exhibitions, awarding premiums in the various classes for excellency, and by such other means as it may deem proper ; it may adopt and use a common seal, or use such a seal as it may, from time to time, adopt.

§ 2. The capital stock shall not exceed one hundred and fifty thousand dollars, divided into shares of not less than one hundred dollars, payable in such installments as the board of directors may provide and

Capital stock. and fifty thousand dollars, divided into shares of not less than one hundred dollars, payable in such installments as the board of directors may provide and

Shares. direct. Payment of all subscriptions may be enforced by suit in the name of the society ; or the shares upon which any payment shall be in arrear, after due call made therefor, may be forfeited by suit, in any court of competent jurisdiction, at the option and by the order of the board of directors, in which case payments therefor made upon such forfeited shares shall remain the property of the association.

Payment of subscription enforced.

§ 3. The board of directors shall provide for issuing to stockholders certificates of their stock when paid up. The stock shall be held to be personal estate, and shall be transferable only on the books of the association, in accordance with the by-laws upon this subject to be adopted by the board of directors ; and the board of directors may make all necessary and proper by-

Certificates of stock.

How transferable.

laws in reference to the transfer and surrender of stock that it may deem necessary. The stockholders shall not be responsible, personally, for any debts or liabilities of the society. Stockholders not personally liable for debts.

§ 4. The first meeting of the society shall be held in First meeting. or near the city of Maysville, at such time as the persons named in the first section hereof, or a majority of them, shall determine, and give due notice of, by advertisement in one or more of the public newspapers printed in said city, at which meeting there shall be elected, after the acceptance of this act of incorporation, a board of directors, containing not less than eleven Board of directors. persons. Said directors shall elect from their number a president, two vice-presidents, a secretary and a treasurer. The offices of secretary and treasurer Officers. may be consolidated at the pleasure of the board of directors. The regular annual election of directors Annual election. shall be held in the city of Maysville, Kentucky, on the first Monday in April next, and in each year thereafter, or upon some other day in each year thereafter that the board of directors may fix and direct. The number of directors may be increased at any annual Number directors may be increased. meeting. If no election be made at the prescribed time, the board of directors may, upon advertising as hereinbefore prescribed, call a meeting of the society for that purpose.

§ 5. The officers and directors shall hold their offices until their respective successors are elected. Each holder of stock shall be entitled to one vote in the election of directors, and in all meetings of stockholders, upon all questions that may be proposed to be voted upon for each and every share of stock he may hold. Called meetings may be held at any time Called meetings. by order of the board of directors, upon notice published two weeks, for specified objects; but no business shall be transacted at such a meeting except that which is indicated in the call. At regular meetings, or meetings held by adjournment over from regular meetings, the power of the society over it shall be

absolute, except as controlled by this charter and the law of the land.

§ 6. The association may lay out upon its grounds a track or tracks, course or courses, for running or trotting races, and may conduct such races and award such stakes, purses or premiums as it may determine; and it may sell, or permit to be sold, on its grounds, pools on any and all races that may be run or trotted upon its course or grounds, and shall be responsible for the payment of the same, when presented, during the races. The prudential, fiscal and other affairs of the association, together with all its estate and interests of every kind, shall be under the control of the aforesaid board of directors; and they shall have power to appoint as many policemen or watchmen as they may deem necessary, who shall have the power to arrest, on or near their grounds, all disorderly persons, to preserve good order and keep the peace, and for this purpose said policemen or watchmen shall be clothed with the same powers that constables and sheriffs of this Commonwealth may have; and all persons arrested by them shall be forthwith brought before some magistrate, to be dealt with according to law. They shall also have power to appoint such other officers as they may deem necessary to carry out the purposes of the society, and may take bond, with security, from any of them, as well as of the treasurer, for the faithful performance of their duties; may fill vacancies in the board of directors or other officers, and shall have power to license peddlers and performances upon their grounds, and the sale of any article thereon; and may permit, in their discretion, the sale of malt liquors on said grounds during any fair or exhibition: *Provided*, That no person or persons shall be allowed to sell said malt liquor until he or they have paid for and procured a lawful license issued by the clerk of the Mason county court; and the said clerk is authorized to issue said license upon payment to him of the regular State tax. Said di-

Lay out running
and trotting
tracks.

Pools may be
sold.

Watchmen or
policemen.

License peddlers
and perform-
ances.

Sale of malt
liquors permitted

Procure lawful
license.

rectors may also make, alter and modify such rules, Modify rules.
regulations and by-laws, and do all such acts, not inconsistent with the Constitution and laws of this State or the United States, as, in their opinion, are requisite for the accomplishment of the objects of the association, and for the good order and proper management of its exhibitions.

§ 7. Four directors, with the president, or one of Quorum.
the vice-presidents, shall constitute a quorum for the transaction of business. Said association may issue Issue bonds.
the bonds of the corporation hereby created to any amount not in all exceeding twenty thousand dollars, in sums of one hundred or five hundred dollars, payable in not more than twenty years from date of issue, and bearing not more than six per cent. per annum, payable semi-annually, at such place as may be fixed; and for said interest coupons may be issued, attached Interest coupons.
to said bonds, to be signed by the president and countersigned by the secretary, and the coupons by the secretary; and to secure the payment of said bonds and interest, said association shall have full power to execute a mortgage upon its real estate. Said society Mortgage.
may open and keep an office for the conduct of its business in the city of Maysville.

§ 8. All contracts shall be signed by the president and countersigned by the secretary.

§ 9. This act shall take effect from its passage.

Approved March 23, 1888.

CHAPTER 611.

AN ACT to amend an act to incorporate the Short Route Railway Transfer Company, which became a law March 7, 1873, and the act amendatory thereto, approved April 1, 1882.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the charter of the Short Route Railway Amend original act.
Transfer Company, which became a law March 7, 1873,

and the act amendatory thereto, approved April 1, 1882, is hereby amended as follows, to wit:

Place of office. § 2. That the Short Route Railway Transfer Company shall have and keep its principal office in the city of Louisville, Kentucky, with all of its money, funds and evidences of debt, clerical force, papers, books, in any manner relating to its business; and its books, papers and contracts shall be subject to the inspection and examination of any stockholder in said corporation.

Board of directors. § 3. That the board of directors shall consist of nine, to be elected annually by the stockholders of the company at meetings called for that purpose on the first Tuesday after the fourth Monday in May of each and every year; and twenty days' public notice of such meetings of the stockholders shall be given by the secretary by publication in the morning papers published in the city of Louisville of the place of said meetings. No stockholder shall be qualified to be elected a director unless he is the actual owner of twenty shares of stock, and shall hold his office for one year; and in the event of his resignation or death, the board of directors shall elect his successor. Six of the nine directors shall be citizens of the Commonwealth of Kentucky, and the board of directors shall hold their meetings in the city of Louisville. The **Capital stock.** capital stock of the company shall be five hundred thousand dollars, divided into shares of one hundred dollars each, and shall be personal property; and the said capital stock shall be the five hundred thousand dollars that was first issued by said company; and the coupon bonds of the company of the date of July 15, 1882, and payable to bearer thirty years after date, in the sum of five hundred thousand dollars, and secured by a mortgage executed by the company and recorded in the office of the clerk of the Jefferson county court, in deed book in said office, number 252, page 398, shall be, and the same is hereby declared to be, the bonded debt of the com-

pany; and said company shall not have power to issue or deliver any additional bonds or stock.

§ 4. Said company shall not have power to purchase Limitation. or condemn any real estate, except for its legitimate and necessary operations as a transfer railway company, and then only upon the affirmative vote of seven-eighths of the entire stock of said company, at a meeting of the stockholders called for that purpose, upon thirty days' notice given by the board of directors, in the morning papers published in the city of Louisville.

§ 5. All corporate meetings shall be held in the city Corporate meetings. of Louisville.

§ 6. The board of directors shall declare dividends to the stockholders on the first of January and July in each and every year, out of the gross earnings of said company, after first deducting necessary operating expenses and fixed charges.

§ 7. All by-laws of the company shall be made and amended by the vote of the stockholders.

§ 8. All acts and parts of acts in conflict with the provisions of this amendatory act are hereby repealed, and this act shall be in force and effect from its passage.

Approved March 23, 1888.

CHAPTER 612.

AN ACT for the benefit of common school district No. 1 (white), of Fleming county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That in order to better the educational facilities High school established. of common school district No. 1 (white), of Fleming county, and to furnish free to all the children of the district aforesaid, of common school age, a higher education than is received from the common school

branches alone, that the school hereafter taught and conducted in the school building of and in school district No. 1 (white), Fleming county, shall be known as the Flemingsburg High School, at which the common school for said district shall be taught as heretofore.

§ 2. That the board of trustees elected and qualified under the common school laws of the State of Kentucky shall be the board of trustees of said high school; and, in addition to the powers conferred upon and invested in said board of trustees by and under the common school laws of Kentucky, they shall have power to establish and conduct a graded high school in said district No. 1 (white), under the name and style of the Flemingsburg High School, as aforesaid. They shall have power to employ a competent principal to conduct said school, and as many assistant teachers as, in their judgment, they may deem necessary to properly conduct said school. In grading and conducting said school the board of trustees, in conjunction with the principal of said school, shall have the power to adopt such curriculum for each grade, and the time that each grade shall devote to each course of study, as they may think best, and for the best interest of the school, not in conflict with the common school laws. The said board of trustees, in conjunction with the principal, shall constitute a board that shall have power to confer the degree of Bachelor of Arts on those students who are members of a graduating class, and may, in their judgment, merit the same.

§ 3. That the board of trustees shall have power to adopt such rules, regulations and by-laws for the proper conduct, management and government of said school, not inconsistent with the spirit, purpose and intent of the common school laws of Kentucky, as they, in their judgment, may consider for the best interest and success of said school.

§ 4. That the board of trustees for the purpose of ^{Annually levy} enabling them to carry on and defray the expenses of ^{ax.} said school, shall, in addition to the fund received by them under the common school laws of Kentucky, have the power to annually levy and collect an *ad valorem* tax of not exceeding twenty-five cents on each one hundred dollars of taxable property in said district; said tax shall be assessed on the valuation of property returned in each year for State purposes, beginning with the assessment made in 1887 for the year 1888; and said tax, when collected, shall be exclu- ^{How applied.} sively applied to the same purposes, and subject to the same exemptions, as the fund received for common school purposes under the common school laws of Kentucky; and in order to levy and collect said tax, ^{Appoint person to make list of tax-payers.} the board of trustees may appoint a competent person to take from the tax books returned by the assessor to the office of the clerk of the Fleming county court, on or before the first day of April in each year, the list of tax-payers resident in said school district and the amount of property listed by each, subject to taxation in said district, and return the same to the said board of trustees, who shall therefrom make the assessment for the year, and list the same with the sheriff of Fleming county, or with a collector appointed for collection by said board of trustees; and ^{Sheriff shall collect.} the said sheriff or collector shall proceed to collect the same under the same powers, duties, liabilities and responsibilities as required, conferred and imposed upon said sheriff by law for the collection of State revenue, and account for and pay over the same to the board of trustees from time to time as he shall collect the same when called upon by said board, and shall make his final settlement thereof with said board, on or before the fifteenth day of December of each year, unless said board shall extend the time of making said final settlement for a term not exceeding three months from the said fifteenth day of December. The first levy of said tax shall be made for the

year 1888, and in the manner as herein provided. And the sheriff, for the collection of said tax, shall be allowed five per cent. of the amount collected by him, to be paid of the fund so collected, upon the order or orders of the board of trustees.

Sheriff allowed
5 per cent. com-
mission.

§ 5. That for any injury done by any person to the school building of said school district No. 1 (white), or the furniture thereof, or the trees or shrubbery, fences, out-houses or grounds, or any other property whatever belonging to said school, the person so offending shall be fined, upon conviction, in a sum not less than two dollars and fifty cents, and not more than ten dollars for each offense. The said fine shall be recoverable in the name of the Commonwealth of Kentucky, for the use of the board of trustees, in the mayor's court of the city of Flemingsburg, or any justice's court in said district; the trial and proceedings shall be conducted and the judgment enforced in the same manner as now provided by the laws of Kentucky for the trial and punishment of misdemeanors in said courts.

Injury to prop-
erty.

Who liable.
Fine.

§ 6. The money arising from the offenses set out in the next preceding section shall be paid to said trustees, and by them applied to the reparation of said damages, or to any other purpose they may deem best for the benefit of said school.

Fines under pre-
vious section,
how applied.

§ 7. That no person other than those entitled to tuition free of charge in said school, shall be admitted to said school for the purposes of tuition, except upon application to and consent of the said board of trustees; and all fees for tuition or other dues arising therefrom shall be paid into the hands of said trustees, to be applied to the expenses of said school, including furniture, repairs, insurance, and any and all other expenses incident to said school.

§ 8. That the provisions of this act shall not be so construed as to repeal any of the provisions of the common school laws of the State of Kentucky, nor any special act heretofore passed for the benefit of

Common school
law not repealed.

said school district No. 1 (white), except so far as the said common school laws or said special acts are inconsistent herewith.

§ 9. In order to obtain the views of the people on said act, the same shall be submitted to a vote of the qualified voters, as hereinafter defined, of said district. Said election shall take place at the school building of said district No. 1, white, in Flemingsburg, Kentucky, on the second Saturday in April, 1888, from nine o'clock, A. M., to five o'clock, P. M., on said day, notice of said election having been posted by the trustees of the common school of said district at three of the most prominent places in the district for ten days preceding said election. All persons in said district qualified to vote for trustees under the common school laws of Kentucky shall be qualified to vote at said election; those voting for said act to be recorded in favor of it, those voting against it to be recorded as opposed to it. The judge of the election shall be selected in the same manner as provided for by the common school laws of Kentucky in elections of trustees. In case of a tie, the judge of the election shall give the casting vote, provided he has not already voted. The judge of the election shall certify the result of the election to the county superintendent within five days after the day of the election; and if a majority of the votes cast at said election be in favor of said act, it shall take effect from and after the day of said election.

§ 10. This act shall take effect from and after its passage.

Approved March 24, 1888.

CHAPTER 613.

AN ACT to incorporate the Louisville Fire and Life Protective Association of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That G. P. Theobald, C. T. Baird, J. W. E. Bayly, Henry W. Gray, M. A. Huston, Henry S. Tyler, Geo. L. Danforth, John B. Castleman, J. S. Lyman, Adolph Reutlinger; Joseph J. Fischer, B. Frese, A. F. Coldewey, all of the city of Louisville, Jefferson county, Kentucky, and their associates, successors and assigns, be, and they are hereby, created a body politic and corporate, under the name and style of Louisville Fire and Life Protective Association, and by that name shall be known and called, and shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of purchasing and holding, all such real and personal estate as may be required for use of said association, not exceeding in value fifty thousand dollars, and may have the power to sell and convey same.

§ 2. The object of this association shall be the organization and maintenance of a salvage corps for the protection of property at and after fires, and the examination as to the cause of fires, and for consultation and action in reference to such matters pertaining to the interest of this association as may be deemed advisable.

§ 3. The officers of this association shall be a president, a vice-president, a secretary, a treasurer, and such other officers as may be provided for in the by-laws or by vote of the association, to hold office for one year, and until their successors are chosen and installed.

§ 4. The election of officers for this association shall be held annually on the first Thursday of January at the office of said association : *Provided*, That the first

election of officers shall be held on the organization of same, and hold office until the following January as above; and said officers shall be elected by ballot, and By bal.ot. a majority of the votes cast shall be necessary to a choice.

§ 5. In case no election is had on the above-named day, it shall be lawful on any subsequent day to hold such election, in such manner as may be directed by the association.

§ 6. This association shall be organized by the in- How organized. corporators giving full five days' notice to all the underwriters doing business in the city of Louisville, by letter, postal-card or advertisement in daily papers, all or any, as they may deem best, of time and place of meeting, and on there appearing twenty-five, signifying their willingness and enrolling their names as members, the association shall be deemed fully organized under this act.

§ 7. This corporation shall have power to make all By-laws. needful by-laws, not contrary to the provisions of this act, or Constitution and laws of this State or of the United States.

§ 8. This corporation shall have power to provide Powers and general objects and business. suitable rooms for the transaction of their business, and also provide and maintain a corps of men, with proper officers, whose duty it shall be, so far as practicable, to discover and prevent fires, with suitable apparatus to save life and personal property at or after a fire; and the better to enable them so to act with promptness and efficiency, full power is hereby granted to such corps and its officers to enter any building on fire, or which, in their judgment, is exposed to, or in danger of, taking fire from other burning buildings, to protect and save life and property, or any part thereof, at or after the fire. Nothing in this act, however, shall warrant any interference with the firemen in their duties in extinguishing a fire; nor shall this act in any way be construed to justify the

owners of any building or personal property in the abandonment of their property.

Meeting every
third year.

§ 9. That in every third year after the formation of this association, an annual meeting of the corporation shall be held, on ten days' notice in one or more of the papers in the city of Louisville, giving date, time and place of such meeting, at which meeting each incorporated insurance company or association doing business in the said city, whether its officers or agents be members of this corporation or not, shall have the right to be represented by one of said officers or agents; and each organization represented at such meeting shall be entitled to one vote; and a majority of two-thirds of the whole number of votes cast shall decide upon the question of sustaining and continuing the association hereinbefore mentioned, and of fixing the maximum amount of expenses which shall be incurred therefor during the three years next to ensue; and the whole of such amount, or so much thereof as may be necessary, may be assessed upon the organizations belonging to said corporation, and upon all other organizations and agencies doing fire insurance business in this city, in proportion to the several amounts of premiums returned, as received by each, under oath, as hereinafter provided; and such assessment shall be collectable by said corporation in any court of law of competent jurisdiction in the State of Kentucky: *Provided, however,* Not more than two per cent. of annual premiums shall be called for in any one year.

May require
statement quar-
terly from cor-
porations, etc.,
of aggregate
premiums.

§ 10 This association to provide for payment of persons employed, and to maintain the apparatus for saving life and property, provided in pursuance hereof, is empowered to require a statement to be furnished quarterly by all corporations, associations, agents or persons, of the aggregate amount of premiums received for insuring property located in this city for and during the three months next preceding the thirty-first day of March, thirtieth day of June,

thirtieth day of September, and the thirty-first day of December of each year, which statement shall be sworn to by the president or secretary of the corporation or association, or by the agent or person so acting and effecting such insurance in said city, and shall be handed to the secretary of this corporation within thirty days after the dates to which such returns are to be made.

§ 11. The treasurer or secretary or other appointed officer of this association shall, within ten days after the thirty-first day of March, thirtieth day of June, thirtieth day of September, and thirty-first day of December in each year, by written or printed demand signed by him, require from every corporation, association, underwriter, agent or person engaged in the business of fire insurance in said city of Louisville, the statement provided for in the last preceding section of this act; and every officer of such corporation or association, and every individual, agent or underwriter who shall, for thirty days after such demand, neglect to render the account, shall forfeit fifty dollars (\$50) for use of the corporation created by this act; and shall also forfeit for their use five dollars (\$5) in addition for every day he shall so neglect after the expiration of said thirty days; and such additional penalty may be computed and recovered up to the time of the trial of any suit for the recovery thereof, which penalty may be sued for and recovered, with costs of suit, in any court of competent jurisdiction within this State.

§ 12. The officers and men of this association, with their teams and apparatus, shall have the right of way, while going to a fire, through any street, lane or alley in said city, subject to the rights of the fire department; and any violation of the rights of the said protective association shall be punished in the same manner as is provided for the violation of the rights of the fire department of said city of Louisville.

§ 13. This act shall be in force for twenty-five years.

if not sooner dissolved, as provided in section 9 of this act; but said dissolution shall not forfeit this charter, and the association may be re-organized under same, by same process as when first organized.

§ 14. This act shall take effect from and after its passage.

Approved March 24, 1888.

CHAPTER 614.

AN ACT for the benefit of G. W. Baker, of Clay county.

WHEREAS, Daniel Gray being charged with murder in the Clay circuit court, at its October term, 1886, and it having been shown in open court that two of his most important witnesses were sick and unable to testify in said case at said term, as they lived a distance of fifteen miles from the county seat of Clay county, but by an agreement of the Commonwealth's attorney, and the attorneys for the defendant, the court appointed George W. Baker to represent the Commonwealth in taking the deposition of the defendant's witnesses in said case. The defendant is now serving a life sentence in the State penitentiary, and was, at the time of his conviction, hopelessly insolvent, and had no property out of which the attorney's fee could be collected. And whereas, the action of the court in appointing said G. W. Baker to act in said case for the Commonwealth enabled the court to try the case at that term of the court, thereby saved the State the cost of continuing said case for another term, and the expenditure of a considerable sum of money to pay a number of witnesses, who were summoned on behalf of the Commonwealth; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the

Treasury in favor of said G. W. Baker, for twenty dollars, payable out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall take effect from and after its passage.

[Became a law without approval of Governor March 24, 1888.]

CHAPTER 615.

AN ACT for the benefit of Fannie E. Hoskins, of Taylor county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all the disabilities of infancy be, and the same are hereby, removed from Fannie E. Hoskins, of the county of Taylor, and that she shall have, and be entitled to and liable to, all the rights, privileges and liabilities of a person of legal age under the laws of this Commonwealth; and be authorized to bargain, sell, and absolutely convey any real estate that she may now own or have an interest in; and to receipt for and receive any moneys for any estate that may be coming to her from any source whatever; and to exercise all the powers over such estate as though she was twenty-one years (21) of age.

§ 2. That this act shall take effect and be in force from its passage.

[Became a law without approval of Governor March 24, 1888.]

CHAPTER 616.

AN ACT to establish a public landing on the Ohio river, in the county of Jefferson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby established a public landing in the county of Jefferson, on the Ohio river, beginning

if not sooner dissolved, as provided in section 9 of this act; but said dissolution shall not forfeit this charter, and the association may be re-organized under same, by same process as when first organized.

§ 14. This act shall take effect from and after its passage.

Approved March 24, 1888.

CHAPTER 614.

AN ACT for the benefit of G. W. Baker, of Clay county.

WHEREAS, Daniel Gray being charged with murder in the Clay circuit court, at its October term, 1886, and it having been shown in open court that two of his most important witnesses were sick and unable to testify in said case at said term, as they lived a distance of fifteen miles from the county seat of Clay county, but by an agreement of the Commonwealth's attorney, and the attorneys for the defendant, the court appointed George W. Baker to represent the Commonwealth in taking the deposition of the defendant's witnesses in said case. The defendant is now serving a life sentence in the State penitentiary, and was, at the time of his conviction, hopelessly insolvent, and had no property out of which the attorney's fee could be collected. And whereas, the action of the court in appointing said G. W. Baker to act in said case for the Commonwealth enabled the court to try the case at that term of the court, thereby saved the State the cost of continuing said case for another term, and the expenditure of a considerable sum of money to pay a number of witnesses, who were summoned on behalf of the Commonwealth; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the

Treasury in favor of said G. W. Baker, for twenty dollars, payable out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall take effect from and after its passage.

[Became a law without approval of Governor March 24, 1888.]

CHAPTER 615.

AN ACT for the benefit of Fannie E. Hoskins, of Taylor county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That all the disabilities of infancy be, and the same are hereby, removed from Fannie E. Hoskins, of the county of Taylor, and that she shall have, and be entitled to and liable to, all the rights, privileges and liabilities of a person of legal age under the laws of this Commonwealth; and be authorized to bargain, sell, and absolutely convey any real estate that she may now own or have an interest in; and to receipt for and receive any moneys for any estate that may be coming to her from any source whatever; and to exercise all the powers over such estate as though she was twenty-one years (21) of age.

§ 2. That this act shall take effect and be in force from its passage.

[Became a law without approval of Governor March 24, 1888.]

CHAPTER 616.

AN ACT to establish a public landing on the Ohio river, in the county of Jefferson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. There is hereby established a public landing in the county of Jefferson, on the Ohio river, beginning

at a point on the said Ohio river, and where Chestnut street, extended, intersects the said Ohio river, and extending along the eastern banks of said Ohio river southwardly to a point wherein the extension of Broadway street intersects the said Ohio river.

§ 2. That all steam-boats, coal-boats, flat-boats and barges, landing or mooring on or along said public-landing, shall pay the owner or owners of the land upon which these steam-boats, coal-boats, flat-boats or barges is or are moored or anchored or tied up, the following rates: For the first day of twenty-four hours, or fractional part thereof, for each steam-boat, five dollars; each coal-boat, flat-boat or barge, one-dollar; for each succeeding day of twenty-four hours, or fractional part thereof, for each steam-boat, five dollars, and each coal-boat, flat-boat or barge, one-dollar.

§ 3. This act shall take effect from and after its passage.

[Became a law without approval of Governor March 24, 1888.]

CHAPTER 617.

AN ACT for the benefit of Solomon King, of Marshall county.

WHEREAS, It appears to the satisfaction of the General Assembly that Nimrod King was duly adjudged a pauper idiot by the Marshall circuit court on the 16th day of June, 1882; that on the 21st day of June, 1882, E. King was appointed by said court as committee of said idiot, and duly qualified as such; that said committee drew out of the Treasury of this State moneys for the maintenance of said idiot at the rate of seventy-five dollars per annum until June 18, 1884; that said committee, E. King, died in January, 1885; that on or about the 1st day of June, 1884, the said committee, E. King, being poor, enfeebled by disease, and incompetent to care for and maintain said

idiot, placed said idiot in the care and custody of Solomon King; and whereas, it further appears that said Solomon King kept and kindly cared for said idiot from June 1, 1884, until after June 28, 1885, for which said Solomon King has received no compensation whatever, and that no money has been drawn from said Treasury for the support of said idiot for the time intervening between June 18, 1884, and June 28, 1885; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Solomon King, of Marshall county, be, and he hereby is, allowed the sum of seventy-five dollars for maintaining Nimrod King, a pauper idiot, from June 18, 1884, until June 28, 1885, and said amount is hereby appropriated to compensate him for maintenance of said pauper idiot, and the Auditor of Public Accounts is directed to draw his warrant on the Treasury in his favor for that amount.

§ 2. This act shall take effect from and after its passage.

[Became a law without approval of Governor March 24, 1888.]

CHAPTER 618.

AN ACT to incorporate the Stanford Street Railway Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That David W. Vandever, James C. Florence, Corporators. and Smith A. Irwin, their associates and successors, be, and they are hereby, created a corporation, under the name and style of the "Stanford Street Railway Corporate name. Company;" and by said name may have perpetual succession, may sue and be sued, may contract and be contracted with, may hold and acquire, by lease or purchase, real and personal property, and dispose of May acquire real and personal estate, and dispose of. same by sale, lease or mortgage.

Powers and
objects.

Board internal
improvement.

§ 2. Said corporation shall have the power to construct, maintain and operate a single or double track railway, with all necessary or convenient appendages, from a point on the turnpike leading from Danville to Stanford, incorporated under the name of the "Board of Internal Improvement for Lincoln County," one mile from the court-house in Stanford, in the direction of Danville, to a point on said turnpike two miles from the court-house, in the direction of the town of Crab Orchard, and also over the line of the Stanford and Hustonville Turnpike, from the point of its intersection with the Danville turnpike to a point one mile from the intersection, in the direction of the town of Hustonville, or over any part of the distances between said points.

Capital stock.

Shares.

When com-
mence.

§ 3. The capital stock of said company shall be twenty thousand (\$20,000) dollars, and may be increased from time to time as the majority of the stockholders may direct, and shall be divided into shares of fifty (\$50) dollars each. Said corporation shall have the right to commence business whenever five thousand (\$5,000) dollars of *bona fide* subscription shall be received, the same to be paid as required by the board of directors. The incorporators or board of directors, or either of them, may open books to receive subscription to the capital stock of said company, and such books of subscription may be opened, and subscription received at such time and place, and upon such notice thereof, as any two incorporators may deem proper.

§ 4. Said corporation shall exist and remain in perpetuity, except for a failure to organize, and in good faith commence operating said street railway within four years from the passage of this act.

Board directors

§ 5. The stockholders representing a majority of the stock subscribed for may have the power to elect a board of three directors, who shall serve one year from the time of their election and qualification, or until their successors are elected and qualified; and

said stockholders shall fix upon a day for the annual election of directors, at which time they shall meet and elect their board, and transact any other business for the good of the corporation. The board of directors shall elect from their number a president, and may appoint such other officers to manage the affairs of the corporation that may be necessary; and in case of death or resignation of any member of the board, the vacancy may be filled by the balance of the directors. Said board may make such by-laws as the good of the corporation may demand.

President and
other officers.

§ 6. If the line or lines of this corporation traverse or infringe upon any private property, or if any land is needed by it for any purpose, it shall be compensated for by it to the owner; but if it can not be obtained by private agreement, the corporation may have the same condemned under a writ of *ad quod damnum*, as prescribed in chapter 110 of the General Statutes.

Damage to private property.

Condemnation.

§ 7. The corporation may also, for the purpose of constructing, maintaining, and operating its line of railway, occupy and use the rights of way of the aforesaid turnpikes and the streets of the city of Stanford, upon such terms and conditions as may be agreed upon between it and the municipal authorities of said city; but if no agreement can be made for the right to so occupy and use said turnpikes and streets, the corporation may acquire the same by writ of *ad quod damnum*, which shall be granted by the judge of the Lincoln county court upon its application; and all proceedings under said writ shall be the same as prescribed in chapter 110 of the General Statutes, except that the court may fix such terms and conditions upon which said rights of way are to be used by this corporation as may be deemed best for the public interest; and each party is given the right of appeal from the entire judgment of the county court to the circuit court, and from that to the Court of Appeals, and the

Appeals.

appeals shall be taken in the manner prescribed in chapter 110 of the General Statutes.

§ 8. This act shall take effect from and after its passage.

[Became a law without approval of Governor March 24, 1888.]

CHAPTER 619.

AN ACT to incorporate the First National Gas Company of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That James W. Lewis, A. J. Turpin, Eli H. Brown, A. C. Lewis, W. C. Evans, James I. Bethel, and D. W. Lewis, their successors and assigns, be, and they are hereby, created a body corporate, under the name of the First National Gas Company of Kentucky; and by that name shall have perpetual succession, and the power to contract and be contracted with, to sue and be sued, implead and be impleaded; to take, hold, own and in anywise alien property, real, personal and mixed; to have a common seal, and alter the same pleasure; and to establish by-laws, and make rules and regulations for the management of the affairs of said company, not inconsistent with the Constitution or laws of this State or of the United States.

§ 2. The affairs of said corporation shall be conducted by a board of directors of not less than five nor more than nine directors, who shall be elected for a term of one year, and until their successors are chosen at a meeting of the stockholders of said corporation, to be held in the city of Louisville on the second Monday in January of each year. Said directors shall elect a president and vice-president, who shall be, and a secretary and treasurer who may be, members of said board. The meetings of said board shall be called by the president, or, in case of his

absence, inability or refusal to act, by the vice-president, or, in case of his absence, inability or refusal to act, by a written call of not less than one-half of the directors. The powers, duties and compensation of the president and other officers of the company shall be prescribed by the board of directors. The incorporators named herein shall constitute the board of directors until the first annual election provided for herein. In all meetings of the stockholders they shall be entitled to one vote for each share of stock held by them; they may vote in person or by proxy, written and subscribed by them. A call meetings of the stockholders, five days' previous notice shall be given by publication in a daily newspaper published in the city of Louisville.

§ 3. The capital stock of said company shall be one million dollars, divided into shares of one hundred dollars each, which shall be deemed personal property, and subscribed for and paid in at the times and upon the terms, and transferable in the manner to be prescribed in the by-laws of said company. The stockholders of said company may, by a two-thirds vote of all the stock, at a meeting called for that purpose, increase said stock not exceeding one million dollars.

Capital stock.
Shares.

§ 4. Said company is hereby empowered to develop, produce, utilize, convey, or in any otherwise dispose of natural gas, petroleum, salt water, building stone, lithographic stone and potter's clay, or any of them, which may be upon or come from any of the lands which said company may own, lease, acquire or control, or upon which, for any of said purposes, or to do any of the acts in this section mentioned, it may have or acquire the right; and to these ends said company is empowered to drill, bore or in anywise sink and maintain wells for the purpose of producing such natural gas, petroleum and salt water, or either, and construct, lay, maintain and operate der-

Objects and
powers.

Objects and
powers.

ricks, buildings, machinery, tanks, pipes, reservoirs, receivers, gasometers, warehouses, manufactories, and any other improvements or appliances in or by means of which such gas, petroleum or salt water, or either, may be produced, stored, distributed, sold or utilized; and to construct, lay and operate conduit pipes of any kind, and may employ any other suitable means for the conveyance, distribution, storing, sale and utilization of the product of said company, either upon, under, to or from any of said lands or other places.

§ 5. This company shall have power to consolidate with other company or companies engaged in the development of natural gas in Meade county, Kentucky, and the territory contiguous thereto, on such terms as may be agreed on; and in order to the conveyance of such natural gas to the cities and towns within its reach, said company shall have power to acquire by purchase, gift or condemnation, as hereinafter provided, the use of any land along such route or routes as may be selected by the board of directors of said company; to lay, maintain and repair such pipes, and any buildings, retorts and any other apparatus needed to be used in order to the proper and economical conveyance of gas as aforesaid; and in order to such acquisition, by such *ad quod damnum* proceedings of such use of lands, said company shall cause such use of, in, over and under only so much land as it may fairly deem necessary therefor, to be valued, condemned, and by it paid for in the manner prescribed in chapter 96, article 2, of the General Statutes of this State relating to "Salt and Salt-petre Works and Water Pipes."

§ 6. The principal place of business of this corporation shall be in the city of Louisville. The private property of its stockholders and officers shall be exempt from its corporate debts and liabilities; and this act shall take effect from its passage.

[Became a law without approval of Governor March 24, 1888.]

May consolidate
with other com-
pany.

Acquire lands,
etc., and lay
pipes.

Condemnation.

Principal office.

CHAPTER 620.

AN ACT to authorize the county of Clark to receive the surrender and to operate certain turnpike roads in said county.

WHEREAS, There are certain turnpike roads in Clark county that have been built by subscriptions made by the Clark county court in connection with subscriptions made by individuals, some of which said roads and their franchises have been sold by proceedings in court, and have been purchased by individuals who are operating said roads under the charter originally granted; and whereas, some of said roads so sold and purchased, and also other roads not sold, are not collecting tolls sufficient to keep such roads in such condition as the law requires; and whereas, the parties owning such roads are desirous of surrendering their respective charters and franchises to the Clark county court, so that said roads may be owned by, belong to, and controlled by said county court:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Clark county court, composed of the justices of the peace of said county and the county judge, shall have full power and authority to receive and accept from any turnpike road corporation in Clark county all the property and franchises of such corporation, by transfer or assignment of such property or franchises, which said transfer or assignment shall be made by the president of such corporation and acknowledged by him, as deeds are required by law to be acknowledged, and shall be recorded in the same manner.

§ 2. That before such transfer or assignment shall be made by the president, said president, at the request of any stockholder, or at his own instance, shall, after giving three weeks' notice in some paper published in Winchester, stating the objects of the meeting, call a meeting of all the stockholders of said

corporation, at some designated time and place, for the purpose of voting upon the proposition to surrender their charter; and if a majority of the stock represented at such meeting is voted in favor of the surrender, such vote shall be spread upon the records of the company, and also an order directing the president to make the transfer; and the president shall present a certified copy of said order, signed by himself and the secretary, to the Clark county court before said court shall act.

§ 3. That when such transfer or assignment is so made and accepted by the Clark county court, said surrender and acceptance shall be spread upon the records of said court, and said county court shall then have full power and authority to operate such road under its charter, and shall succeed, and shall be subject to all the penalties pertaining thereto: *Provided, however,* Said county court may, at any time, by an order of record, cease to collect tolls, in which event it shall be relieved of all liabilities and penalties, saving only as apply to dirt roads.

§ 4. That the Clark county court, when it accepts the surrender of any charter of such corporation as aforesaid, shall, in its discretion, have full power and authority either to operate such road under its charter, as provided in the third section, or it may accept the surrender, and hold and control and manage, as it now holds and controls and manages other county dirt roads, and keep it in repair in the same manner.

§ 5. Any creditor of such road may, within sixty days after the stockholders have voted the surrender of their charter as aforesaid, institute proceedings in a court of equity to subject said road and franchises to the payment of its indebtedness, by sale or otherwise, the purchaser to succeed to all the rights, privileges and penalties imposed by the charter of such road. If such proceedings are not commenced within that time, all claims shall be barred.

§ 6. This act shall not apply to any road in which the State has an interest, and shall be in force from its passage.

Approved March 15, 1888.

CHAPTER 621.

AN ACT to allow the justices of the peace living nearest the court-house in Lower Town precinct No. 1, and Upper Town precinct No. 2, in Daviess county, to hold their regular terms of court for the trial of civil actions, once in each month, at the court-house in said county, or other places in said precincts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That from and after the passage of this act it shall be lawful for the justices of the peace living nearest the court-house in Lower Town precinct No. 1, and Upper Town precinct No. 2, in Daviess county, to hold their regular terms of court for the trial of civil actions once in each month, at the court-house in said county, or other places in said precincts, on days to be fixed by the judge of the Daviess county court.

§ 2. This act shall take effect and be in full force from and after its passage.

Approved March 26, 1888.

CHAPTER 622.

AN ACT to give a lien for the damages on cattle and other live stock committing trespasses in Carroll county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That in all cases where the law gives a person the right to an action for damages for cattle or other

live stock trespassing on his land or premises, or on land or premises under his control or in his possession, such person shall have a lien on the cattle or other live stock so trespassing to secure the payment of any judgment that may be rendered in his favor against the owner or person having the control of such cattle or other live stock for such trespass, which lien may be enforced in any court of competent jurisdiction, by ordering the sale of said cattle or other live stock, or a sufficient number thereof to satisfy such judgment for damages and all costs; and the proceeds of such sale shall be so applied so far as necessary; and this, regardless of any exemption provided by the laws of this Commonwealth: *Provided, however,* Proceedings to enforce such lien shall be commenced within sixty days from the day on which such trespass was committed.

§ 2. This act shall apply only to the county of Carroll; and the same shall be in force in said county from and after its passage.

Approved March 26, 1888.

CHAPTER 623.

AN ACT to incorporate the Dallasburg and Sanders' Station Turnpike Road.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby created a body-politic and corporate, under the name and style of the Dallasburgh and Sanders' Station Turnpike Road Company, of Owen county, for the purpose of constructing a macadamized turnpike road from a point of the New Liberty and Dallasburgh Turnpike, at the residence of Ben. K. Davis, then in or near the old road, tapping the New Liberty and Liberty Station Turnpike at the bridge across Eagle.

§ 2. The capital shall not exceed six thousand dollars, in shares of twenty-five dollars each.

§ 3. The following citizens shall constitute the incorporators and commissioners to solicit stock: Henry McDarment, L. L. North, John McDarment, Jesse L. Baker, Geo. Griffith, Newton Crawford, B. K. Davis, W. G. Claxton, and John McNeal.

§ 4. The commissioners (or any three who will act) shall procure suitable books in which the stockholders shall enter into the following obligation, to-wit: "We, whose names are hereunto annexed, promise to pay to the president and directors of the Dallasburgh and Sanders' Station Turnpike Road Company the sum of twenty-five dollars for each and every share of stock set opposite our names, in such proportions or sums, and at such times and places, as the said directors and president may direct."

§ 5. That the stockholders shall be entitled to one vote for every share of stock paid up held by them; and when any stockholder desires, he may vote by proxy, in writing, at any and all elections for officers on said road.

§ 6. That a board of five (5) directors shall be elected to conduct the business of said turnpike company; the election to be held at Dallasburgh after ten days' public notice. The said board of directors to immediately organize for business by the election of one of their number for president, and a secretary and treasurer, to give a good and sufficient bond for the faithful performance of his duties.

§ 7. The president and directors shall have power to fix, grade, locate, build and establish said road between the points designated, and may acquire by purchase, gift, relinquishment, writ of *ad quod damnum*, deed or otherwise, the right of way for the road; the width, metal, etc., to be fixed by said board of directors and the aid of a practical engineer.

§ 8. That said board of directors shall hold office

one year from date of their election, or until their successors are duly elected and qualified.

§ 9. That the board of directors shall, in their discretion, have the authority to erect a toll-gate or gates on said road at such places as they may deem proper; employ gate-keepers, who shall collect toll from persons traveling on said road at the rates now fixed by law on other turnpikes in this, Owen county.

§ 10. The private property of stockholders shall not be liable for the debts of the company, except to the extent of their stock.

§ 11. That said turnpike road company, when so organized, shall have power to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, contract and be contracted with, and make by-laws as may be necessary, which do not conflict with the Constitution of either the State of Kentucky or the United States.

§ 12. That said corporation shall have full power to do all other acts and things necessary to be done to locate and establish and complete said turnpike road.

§ 13. This act shall take effect from its passage.

Approved March 26, 1888.

CHAPTER 624.

AN ACT to empower the "Odd Fellows' Hall Association, of Dayton, Campbell county, Kentucky," to bond its debt.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of directors of the "Odd Fellows' Hall Association, of Dayton, Kentucky," the same being a body-politic and corporate under said name and style, and incorporated under the provisions of chapter 56 of the General Statutes, in Campbell county, be, and it is hereby, authorized to issue a

series of two hundred and fifty one hundred dollar bonds, with six per cent. interest coupons attached, said bonds to be dated July first, 1888, and payable twenty-five years after date at the German National Bank of Newport, Kentucky; said interest to be payable semi-annually on the first days of January and July in each year at said bank; said bonds to be secured by a first mortgage on all the property of said association.

§ 2. The said association shall have the power to redeem said bonds after ten years before maturity: *Provided*, It shall give ninety days actual notice to the holder or holders thereof of their intention so to do, in some newspaper of general circulation.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 26, 1888.

CHAPTER 625.

AN ACT to amend the Flemingsburg and Upper Fox Springs Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act to incorporate the Flemingsburg and Upper Fox Springs Turnpike Road Company, approved December 15th, 1863, be, and the same is hereby, amended, so that the president and directors of said turnpike road company be, and they are hereby, permitted, by a resolution of the board of directors of said turnpike road company, to change the width of the road-way of said turnpike road to thirty feet instead of forty feet; and the said directors and company, by a resolution of their board, are empowered to fence such portions of the said turnpike road-way, along the line of said road-way where dan-

gerous places occur, or put up other barriers to prevent accidents on the sides of said road-way.

§ 2. This act to take effect from and after its passage.

Approved March 26, 1888.

CHAPTER 626.

AN ACT to amend an act, entitled "An act to incorporate the Waco, College Hill and Kentucky River Turnpike Road Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 6 of said act is hereby repealed, and in lieu thereof the following is adopted: That when there has been subscribed to the capital stock fifteen hundred dollars, the persons securing the subscription to said stock will call a meeting of the stockholders for the purpose of electing a president and four directors. One vote shall be allowed for each share of stock, and the officers then elected shall continue in office one year, and until their successors are elected and qualified; and thereafter, on the first Saturday in May of each year, an election of a president and four directors shall be held in the town of College Hill. No one who does not own stock in said road shall be eligible to the office of president or director in said company.

§ 2. This act shall take effect from and after its passage.

Approved March 26, 1888.

CHAPTER 627.

AN ACT allowing Robert Clark, sheriff of Clay county, further time to execute bond for the collection of the revenue for 1888.

WHEREAS, Robert Clark, sheriff of Clay county, failed to execute his bond for the collection of the State revenue for the year 1888 on or before the first Monday in January last, as required by law; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Robert Clark, sheriff of Clay county, shall have, and he is hereby granted, further time, until the first Monday in May next, to execute his bond for the collection of the State revenue for the year 1888.

§ 2. This act shall take effect from its passage.

Approved March 26, 1888.

CHAPTER 628.

AN ACT to amend the charter of the city of Maysville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the city of Maysville," approved January 31, 1833, and all subsequent acts amendatory thereof, be, and the same are hereby, amended, so that hereafter, in all regular elections for mayor in said city, the "city clerk" thereof shall certify to the Governor the person receiving the highest number of votes, who shall duly commission such person as mayor of said city.

§ 2. This act shall take effect from and after its passage.

Approved March 26, 1888.

CHAPTER 629.

AN ACT to incorporate the Paducah, Maxon's Mill and Ogden's Landing Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

- Act incorporating. § 1. That a company is hereby incorporated and created a body-politic with perpetual succession, and by the aforesaid name may contract and be contracted with, sue and be sued, answer and be answered, etc.,
- Object of incorporation. with power to acquire, hold, use and possess all such real and personal estate as may be necessary or convenient to construct a road and to build and make a turnpike or gravel road from a point at or near Maxon's mill, on the Paducah and North Ballard Turnpike Road, in McCracken county, to Ogden's Landing, on the Ohio river, in Ballard county, Kentucky; and said company may make and ordain all such rules and by-laws as may be proper for the construction or repair of said road and the management of its prudential and financial concerns.
- Width of road. § 2. That the width of said road shall not be less than forty-five feet at any point, and the artificial part of gravel, stone or plank shall be fixed by the directors, as also the grade of said road; and said
- Construct bridges company shall have the right to construct bridges over the different creeks crossing said road.
- Establish a toll-gate. § 3. After three (3) miles of said road shall have been completed, the board of directors may establish a toll-gate at any such point on said road as they may think right; and may thereafter, as the road is completed, establish other toll-gates, at intervals of four
- Apply toll to repairing road. (4) miles or more, as the board of directors may determine, and apply the tolls, after deducting a sufficient amount to keep the finished part of the road in order, to the further construction of the road, or they may distribute the same as dividends to the stockholders. At all of said gates the rates shall be pre-

scribed by the board of directors, not to exceed the rates fixed by the General Statutes.

§ 4. The president and directors, or their engineer, ^{Rights of engineers.} shall have the right to enter upon any lands and survey out said road and examine any gravel pits or timber necessary for the construction and repair of same, on any land adjoining or near said road; and if no satisfactory agreement can be made with the owner for same, the president and directors, or a majority of them, may, by order, apply to the circuit court clerk of the county where the land lies, upon which the gravel or timber is situated, or the part of the road in regard to which the right of way is refused, whose duty it shall be to issue a writ of *ad quod damnum* to assess the damages which any such dissatisfied owner of any such land, gravel beds or timber shall sustain; and the jury shall take into consideration, in assessing ^{Assessing damages.} the damages, the advantages and disadvantages of said road. Said writ shall be directed to the sheriff of said county, and he shall, within five days after the date of the writ, summon a jury of twelve men, qualified under the law as petit jurymen in civil suits, and each party shall have three peremptory challenges; said sheriff shall swear the jury, after they are selected, as they are directed to be sworn in other cases of writs of *ad quod damnum*, preside during the trial, issue subpoenas, swear witnesses, ^{Issue subpoenas, etc.} and decide all points of law presented on the trial, and shall return the writ to the circuit court clerk with the verdict of the jury; and the said company, upon payment of the sum fixed in the verdict to the party claimant, his agent or attorney, or if he has no agent, by paying it to the clerk of said court for said claimant, or by tendering it to either of said parties, shall be vested with the right of way, to control and use all gravel beds and timber so condemned as aforesaid. Either party may, within two days after the return of the writ, file exceptions as to the error in the amount assessed, and the clerk shall docket said

exceptions as other cases at common law ; but the said company shall not, in the meantime, be hindered in the prosecution of their work by the pendency of the exceptions after a tender, but may proceed and have all the rights to the same extent as if said sum had been accepted. The party who fails in sustaining his exceptions shall pay the costs, for which execution shall issue as in other cases ; but the road shall pay the costs incurred on the trial of the original writ in the county.

Appoint com-
missioners.

Accept and re-
ceive labor.

Capital stock.

Elect president,
treasurer and
secretary and
give bond.

§ 5. George W. Ratcliffe, J. M. Buckner, Z. C. Graham, T. H. Dale, John R. Covington, J. C. Martin and Marcus Martin, are hereby appointed commissioners to open books and receive subscriptions of stock to said road, any or all of whom may act ; and they are also authorized to accept and receive labor, work and material to be performed for or furnished said company in the construction of said road, at a reasonable valuation, in place of money, for stock of the said road. The capital stock of said road shall be fifty thousand dollars, divided into shares of fifty dollars each. Whenever one thousand dollars or more is subscribed for the stock of said road, public notice shall be given in some newspaper published in Paducah, for ten days, of the time and place of meeting of the stockholders, who shall have one vote for every share of stock, and may vote in person or by written proxy ; and they shall proceed to elect a president and six directors, a treasurer and secretary, all of whom shall hold their office for twelve months, and until their successors are qualified. Elections shall thereafter be held annually, at such times and places as the board of directors may direct, notice of which shall be given in some newspaper published in Paducah, for five days before the election. The treasurer shall execute bond, with good security, for the discharge of such duties as the board of directors may impose upon him, and for the safe-keeping and payment of all sums of money which he may receive, to the order

of the president and directors, upon which bond or covenant he and his securities may be sued for any breach. Said bond shall be filed with the county clerk of McCracken county, and by him safely kept; and each successive treasurer shall execute a like bond, to be approved by the president and directors, and filed as aforesaid. At the first or any subsequent annual meeting of the said stockholders for the election of their president and directors, etc., they may also fix and determine the salaries to be paid their officers; and the sums thus fixed shall not be altered, except by the vote of the stockholders at some regular annual election. Fix salaries of same.

§ 6. As soon as said election is held, said president and directors shall constitute and be a body-politic and corporate, under the name and style aforesaid, and be vested with all the powers hereinbefore specified, and shall have perpetual succession, and have all the franchises usually granted to similar corporations. At election.

§ 7. The president and directors shall have kept by the secretary a book showing all their proceedings, and shall meet at least every three months, at such time and place as said president may direct, of which each director shall be notified; and a majority of the directors shall constitute a quorum to transact business. Book of proceedings.

§ 8. As soon as the president and directors are organized as a board as aforesaid, they shall have the road located by a competent engineer, from a convenient point at or near Maxon's Mill, on the Paducah and North Ballard Turnpike Road, at least half the distance to Ogden's Landing, on the Ohio river, and in the direction thereof, and survey and locate the balance of said road as soon thereafter as the said president and board of directors may think proper; and the said road to be surveyed and located in or near the present public road leading from Maxon's Mill to Ogden's Landing. Locate road, boundary of same.

Payment of
shares.

§ 9. The president shall give notice of the amount of call on each share of stock and of the time of payment; and if any stockholder shall fail to pay his amount of stock so called for, for the space of thirty days after it is due, it shall draw six per cent. interest, and if not paid in six months, the stock of such stockholder shall be forfeited to the company, and the president shall sell such forfeited stock at public sale, and the proceeds shall go into the treasury of the company. No stockholder shall at any time vote after the first election who has not paid up all calls on his stock.

Avoiding toll-
gates.

§ 10. That after a toll-gate has been established on said road, if any person shall go around or turn off of said road, with the intent to avoid payment of toll, he or they so offending shall be fined ten dollars for each offense, to be recovered by a warrant to be issued by any justice of the peace, and tried by him or tried by the justice in the district where said offense has been committed; said fine, after the payment of all costs, to be paid to the said company and expended by it for the use and benefit of the said road; and said judgment shall be collected as other judgments and fines are collected.

§ 11. The president and directors of said company are hereby empowered to employ an attorney, superintendents or agents, to aid the said company in the proper management of its affairs, and to fix such salary or compensation for such services as they deem proper therefor or may be agreed upon.

§ 12. The shares or interests of stockholders shall be transferable upon the books of said company by the holder in person or written proxy, and an indorsement on the certificate of stock by the holder thereof.

§ 13. The private property of members of said corporation shall be exempt from all liability for the corporate debts of said company or corporation.

Approved March 24, 1888.

CHAPTER 630.

AN ACT for the benefit of McCracken county, empowering it to issue bonds and levy and collect taxes to pay the same, for the purpose of refunding its bonds at a lower rate of interest.

WHEREAS, The whole indebtedness of McCracken Preamble. county is in three issues of bonds, bearing six per cent. per annum interest, payable semi-annually, and dated on June 1, 1878, June 1, 1882, and July 1, 1883, the first two issues maturing in twenty years from their respective dates, the last issue maturing at thirty years from date, all being subject to call and payable at the option of said county at any time after one year from the date thereof; now, for the sole purpose of enabling said county to call in said outstanding bonds, in order to substitute therefor a bond bearing a lower rate of interest,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county of McCracken, through its county court, be, and it is hereby, authorized and Authorized to issue bonds. empowered to issue new bonds of said county, not exceeding four hundred thousand dollars, in such amounts as it may deem best, and on such time as said county court think proper, and bearing any rate Interest coupons, of interest not exceeding five per cent. per annum, with coupons attached, to represent the interest payable semi-annually, at such time and place as it may think best, the bonds to be signed by the county judge and county court clerk, with the seal of said county attached, and the coupons on said bonds to be signed by the clerk alone; and it shall have the May sell. right to sell all of said bonds at not less than par value, or to exchange same with the holders of bonds of McCracken county now outstanding; and said new bonds, to the amount of four hundred thousand dol- Amount. lars, or the proceeds thereof, when sold, shall be

applied to no other purpose than redeeming four hundred thousand dollars of old bonds; and the
Record of bonds. county clerk of said county shall keep a record of all bonds issued under this act, showing the date of such bond, where payable, the amount and the number of coupons attached to each bond, which record shall also show the number and amount exchanged for other bonds of said county. The records shall also show the number, amount of bonds and coupons taken up and canceled by sale or exchange of the new bonds, and said record shall be open at all times to the inspection of the tax-payers of said county.

Assessment levy. § 2. It shall be the duty of McCracken county to have an assessment, make a levy, appoint a collector, and have collected from the tax-payers of McCracken county, upon all property in said county which is not, by virtue of article 1, chapter 92, General Statutes, specifically exempt from taxation, including the amount given in under the equalization law, a tax to pay the semi-annual interest or past due coupons on all bonds issued under the provisions of this act, and also to pay off and take up said bonds at maturity; and if the county court shall deem it proper, it may, in addition to the tax herein provided for, levy an additional tax on the taxable property of said county to create a sinking fund to purchase any and all bonds and coupons issued under the provisions of this act.

Sinking fund. § 3. It shall be the duty of all collectors appointed
Duty of collectors. under the provisions of this act to make monthly reports, under oath, to the treasurer of McCracken county, of all moneys collected by him or them, and at once pay over the same to said treasurer, less the commission allowed for collecting the same; and it
Treasurer of county. is hereby made the duty of the treasurer of McCracken county to deposit all moneys collected under the provisions of this act, so soon as he receives the same, in some solvent bank, to the credit of McCracken county, which money shall be paid out by

such bank only upon the check of the treasurer of McCracken county.

§ 4. All such collectors shall collect the entire tax Collectors. in his hands and pay the same over to the county treasurer within ten months from the time the tax-books are placed in his hands for collection. It is Duty of county court—compensation. made the duty of said county court to appoint a tax collector, and take bond from him, with good and approved surety, and fix, by order, his compensation. And if any tax collector shall fail to collect or pay Liability of collector. over the taxes as provided in this act to the county treasurer, such collector so in default shall, with his sureties on his official bond, be liable to an action on motion on ten days' notice in the McCracken circuit or common pleas courts, in which action the county of McCracken, in its own name, shall recover for any default of the collector the amount due the county, with interest from the time it should have been paid, the costs of the action or motion, and ten per cent. damage on the amount found due and recoverable; and should the treasurer of McCracken county fail to Liability of treasurer. pay over any money in his hands when ordered to do so by the McCracken county court, he and his sureties shall be liable in like manner as is herein provided in regard to tax collectors; and the McCracken county court, held by the county judge, shall have the right to require all tax collectors and the treasurer of McCracken county to renew or give additional surety upon their official bonds as such officers as often as he may think proper, so as at all times to have securities on said bonds good and solvent for any amount of money in their respective hands.

§ 5. That if the county collector or the county Penalty for mis-application of funds. treasurer, or other county officer having charge or control thereof, shall use, loan, or in any way misapply any money or moneys collected or raised under this act, except the commissions to which by law they may be entitled, or shall be a party to any such misapplication of said funds, or any part thereof, or aid

or assist any one so offending, shall be guilty of felony, and, upon indictment and conviction, shall be confined in the penitentiary of this State for a period not less than two nor more than ten years.

§ 6. The county court of McCracken county shall cancel all bonds and coupons called in by virtue of this act, by writing on the face thereof Paid, and signed by the treasurer of McCracken county; and after having made a record of the bonds and coupons received under the call, the same shall be burned in the presence of said court.

Bonds, how canceled.

§ 7. If at any time the number of justices from death, resignation or other cause, be reduced to a less number than a majority of all the justices to which, by law, said county is entitled, then, in that event, the county judge of said county, sitting as a court, shall have and exercise all the powers of the county court of McCracken county within the meaning and purview of this act, and possess and exercise all the powers conferred upon the McCracken county court by this act.

When county judge may exercise functions of county court.

§ 8. That in the event judgment shall be rendered on any bond or bonds which may be issued by the county of McCracken under the provisions of this act, or on any coupons of any such bond or bonds, such judgment shall constitute a lien upon all real and personal property in said county subject to taxation under the revenue laws of this Commonwealth.

Lien to secure judgments.

§ 9. If the court rendering such judgment shall be of opinion that such serious obstruction is likely to be offered to the enforcement of any such judgment as will materially delay it, it shall, on motion of the plaintiff therein, refer the same to a commissioner with instructions to ascertain and report, on a day to be by it named, the amount which it will be necessary for the holders or owners of any such property to pay in order to raise promptly, in proportion to the value of such property owned by each, a sum sufficient to pay the said judgment and all costs of the said suit

Court may refer to commissioner.

and the cost of collecting same, making due allowance for probable delinquencies.

§ 10. Upon making any such reference the said court shall make an order, and, if need be, enforce it by process of contempt, directing the officers having charge of the books containing the last assessment, for the purpose of State taxation, to deliver them to the said commissioner, to be by him used in making out his report. Proceedings upon reference.

§ 11. If, for any reason, such assessment books shall not be promptly forthcoming, the court shall provide for making a new assessment, under the direction and supervision of the said commissioner. New assessments.

§ 12. Upon the completion of said report, the said commissioner shall file the same in the clerk's office of said court, and publish in a newspaper published in the city of Paducah, twice each week for three weeks, a notice of the filing of said report, and stating that the same will be subject to exceptions, to be filed in said clerk's office until a day to be mentioned in the said notice, which day shall not be less than thirty nor more than forty days from the last day on which the said notice is to be published. Notice of commissioner's report.

§ 13. On a day to be named by the court in the order referring the said judgment to the commissioner, or on the first day of the next regular or special term of the said court, after the expiration of the time for filing exceptions, said exceptions shall stand for hearing; but the hearing thereof may be continued from time to time, for good cause shown, or to suit the convenience of the court. When report stand for hearing

§ 14. When, after such corrections as the court may deem proper, the said report shall be approved and confirmed, judgment shall be rendered against the parties named in the report for the amount therein named; and, at the expiration of ninety days from the date of the judgments, several executions shall issue against all persons who have not then paid to the sheriff, or other officer who collects executions When execution issue.

from said court, the sums adjudged to be due by them respectively, which may be levied on any property subject to be levied on for taxes held by the defendants respectively, or which was owned by them at the date of the judgment.

Safe-keeping
and disposition
of money

§ 15. The court shall make proper orders for the safe-keeping and disposition of the money collected under such executions; and if the amount collected shall be more than necessary to pay the judgment and cost, the residue shall be paid over to the treasurer of said county, to be used for the payment of the principal and interest of bonds issued under the provisions of this act.

Compensation of
collector.

§ 16. The sheriff or other officer who shall collect such sums as are voluntarily paid to him under such judgment, shall be entitled to the same compensation which sheriffs receive for collecting taxes due to this Commonwealth.

Proceeds of
bonds, how ap-
plied.

§ 17. The proceeds of the bonds authorized to be sold under the provisions of this act, and the taxes authorized to be levied and collected, are dedicated to the objects and purposes herein expressed, and shall not be used for any other purpose whatever; and shall not be liable to be attached, or the persons holding the same garnisheed, at the instance of any creditor of the county of McCracken, other than the holders of bonds and coupons issued under this act.

§ 18. This act shall take effect and be in force from and after its passage.

Approved March 26, 1888.

CHAPTER 631.

AN ACT to amend and reduce into one the several acts relating to the town of Hiseville, in Barren county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

ARTICLE I.

Town Boundary.

That the boundary of the town of Hiseville, in Barren county, shall be as follows :

§ 1. Beginning at a point in the middle of the Lexington road in front of an old store-house known as the Huffaker store-house ; thence north sixty-nine and one-fourth, west sixty-nine and one-half poles to a stone, No. 1 in plat, about three and one-half poles north, fourteen and one-half east from a large cherry tree in W. F. Handy's field ; this point is the beginning corner, and marked as No. 1 on plat ; thence south twenty-one, west eighty-six poles to a black-jack stump ; thence same course eighty-eight poles to a stone in Frank L. Eubank's field, No. 2 in plat ; thence south fifty-six, east fifty-two poles, north thirty-nine and one-half, east eighteen links from the north-west corner of U. J. Strader's barn, No. 3 on plat ; thence north sixty-six and one-half, east one hundred and twenty-eight poles to a stone on south side of Edmonton road, No. 4 on plat ; thence north thirteen, east two hundred and twenty-five poles to a stone in J. W. Bryant's field, No. 5 in plat ; thence north sixty-nine and one-fourth, west ninety-six poles to a stone in I. M. Quisenberry's field, near a pond, No. 6 in plat ; thence south thirty and three-quarters, west one hundred and twenty-nine and one-half poles to the beginning.

§ 2. In this survey there was an addition made to the old survey in the south-west corner, and on the south side, in order to include the residences of W. P.

Hatcher, U. J. Strader and others; also on the east side to straighten the line; said boundary line to extend and include in said town Eli Branstedder, where he now resides.

ARTICLE II.

Trustees. § 1. That the fiscal, prudential and municipal concerns of said town, with the government and control thereof, shall be vested in five trustees, four of whom shall constitute a quorum to transact business, and all **Qualifications.** of whom shall be at least twenty-five years of age, actual citizens of, and *bona fide* house-keepers or owners of real estate in, said town; and the said trustees shall hold their offices for one year, and until their successors are duly elected and qualified.

Body-corporate. § 2. That said trustees and their successors shall be a body-politic and corporate, and shall be known by the name and style of the board of trustees of Hiseville; and by that name shall be capable in law of **Corporate powers.** contracting and being contracted with, of suing and being sued, pleading and being impleaded, in all courts and places; and may use a common or private seal, and do all other acts, matters and things which a body-politic and corporate, having perpetual succession, may rightfully and lawfully do and perform.

ARTICLE III.

Elected. § 1. That said trustees shall be elected annually hereafter on the first Saturday in April; the next election, and the first under this act, to take place on the first Saturday in April, 1888, until which time the present trustees shall remain in office.

Election, how held. § 2. That all elections in said town shall be *viva voce*; shall be held between the hours of seven o'clock in the morning and six o'clock in the evening, at a place to be designated in the notice of election; and at said election all male citizens over **Who may vote.** twenty-one years of age, and who have actually resided in said town for sixty days previous to the election, shall be entitled to vote.

§ 3. That all elections in said town shall be conducted by three citizens of said town, appointed annually by said trustees as judges and clerk of elections; and said judges and clerk shall return the poll-books of said election, with their certificate of the result, to the clerk of the board of trustees; and the clerk of the board of trustees shall thereupon issue to the persons elected certificates of their election, and record the names of the persons elected in the record book of said board.

By whom conducted.

Certify result.

§ 4. That said trustees, upon receiving a certificate of their election from the clerk of the board, and before entering upon the duties of their office, shall take an oath, before some officer authorized to administer an oath, to faithfully, without favor or partiality, discharge the duties that may devolve upon them as trustees.

Take oath.

§ 5. That whenever any vacancy shall occur, from any cause, in the office of police judge, marshal, trustee, assessor, or other officer of said town, the board of trustees shall have power to fill such vacancy by appointment for the remainder of the term.

Vacancy filled.

§ 6. That said trustees shall appoint one of their own body chairman, who shall preside at all their meetings; and in the absence of the chairman, they shall appoint a chairman *pro tempore*. The meetings of said board shall be held at such times and places as shall be fixed by said trustees; and it shall be the duty of the chairman to call a meeting at any time, upon the request in writing of at least three members of the board.

Chairman.

§ 7. That the board of trustees shall judge of the qualifications, election, and returns of its members; and contested elections for trustees shall be heard and determined by said board, under such rules as may be prescribed by the by-laws or ordinances.

Judge of qualification and election of its members.

ARTICLE 4.

§ 1. That the legal title to all the streets and alleys in said town, and to all real, personal and mixed es-

Title to streets and alleys vest in trustees.

tate, which now does or may hereafter belong to said town, shall be, and hereby is, vested in said board of trustees and their successors in office, so far as may be necessary to keep the same open and in good repair.

May extend or
enlarge streets.

§ 2. That the trustees of said town, by purchasing the land from the owners, or by consent of said owners, shall have power to enlarge or extend any of the present streets and alleys, or lay out any new streets and alleys anywhere in the boundary of said town; and all such enlargements, extensions or newly formed streets and alleys shall vest in, and be under the same care and control of, the trustees of the town, as the other streets and alleys of the same.

Keep streets and
alleys in good
order.

§ 3. That it shall be the duty of the board of trustees at all times to keep the streets, alleys and lanes in said town in good order and condition; and they shall have power to make, construct, or cause to be made and constructed, and kept in good condition, such drains or sewers as may in their discretion seem necessary and proper to preserve said streets, alleys and lanes in good condition and repair.

Clear streets and
alleys.

Remove and
abate nuisance.

Combustibles.

Penalty for dis-
obeying direc-
tion of trustees.

§ 4. Said board of trustees shall have power to clear the streets, alleys, sidewalks and passways in said town of all obstructions; they shall have power to preserve, free from encumbrance, all the public grounds and improvements in said town; they shall have full power to remove, and cause to be removed and abated, any nuisance or nuisances in said town; and to regulate the storage or removal of any combustible or unwholesome material that may injure the health or tend to diminish the comfort of the citizens or the security of their property, and may cause the same to be made secure by the owners thereof, and may absolutely abate and cause the same to be removed, if in their judgment it is to the interest of said town; and in all cases enumerated in this section, when the persons who should do so fail or refuse to obey and perform the directions given in relation

thereto by the board of trustees, the said trustees may have their orders executed at their own expense, and the costs and charges therein incurred shall be paid by those who should have complied with the directions of the board in relation thereto, and may be recovered by the board of trustees by a warrant for the same before the police judge or any justice of the peace, or by suit in any court having jurisdiction of the amount involved.

§ 5. That said trustees shall have power to force any street or alley of said town which may be inclosed to be opened and kept opened; and after their order, a copy of which shall have been duly served upon any person who keeps inclosed any part of any street or alley, and who fails to observe the same, they may, as trustees, institute their action against any such person, and recover one dollar for each day that any part of any street or alley is kept inclosed from the day the party is notified up to the institution of the suit. And said trustees may cause said town, and any grounds belonging to the town, to be ornamented and improved, in such manner as they may deem expedient, with trees and shrubbery, fencing, public wells, and sidewalks; and are hereby vested with all necessary power to let out and contract for said work, and to provide for the payment of necessary expenses thereby incurred out of the annual levy of said town.

ARTICLE V.

§ 1. That the board of trustees of the town of Hiseville, in addition to powers now conferred by law upon trustees of towns, shall have the power to appoint annually a clerk, assessor, treasurer, and such other officers of the town of Hiseville as may be necessary to carry into effect the laws, by-laws, rules and regulations made for the general welfare of said town and the citizens thereof, and may prescribe the respective duties, and fix and pay the respective fees or salaries of said officers; and they shall require bond,

Appoint clerk,
assessor, treasurer
and other
officers.

Prescribe duties.

Require bond.	with sufficient security, in adequate penalties, by all officers appointed by them to fill responsible offices,
Conditions.	conditioned for the faithful discharge of the duties, and the prompt payment of all sums of money that shall come to their hands; and said officers and their securities shall be liable to a judgment in the Barren circuit court, or any court of competent jurisdiction, in favor of the board of trustees of Hiseville, or any person entitled to money collected or received by them,
Penalties.	in like manner, and subject to the same penalties, that sheriffs and their securities are. The said board shall have full power at any time to remove any of said officers and appoint others in their stead; and when
Vacancy.	any vacancy occurs by death, removal or resignations, of the chairman of the board, or any of the officers aforesaid, the said trustees shall have full power to appoint others in their stead.

ARTICLE VI.

Assessments.	§ 1. It shall be the duty of the assessor of said town to call upon all the taxable persons in said town, and make out a true list of all their taxable property, with the value thereof, which list shall be made upon the oath of the party, to be administered by the assessor.
Assessors' lists.	The assessor's list shall include all real and personal property of every kind in said town which is subject to taxation for State revenue purposes under the laws of Kentucky, and all the male citizens of said town over the age of twenty-one years, in the manner that property is assessed for State taxation, whether the same be held by citizens of said town or others. If any person or persons shall refuse to give in a list of his or her property, or be absent, the assessor shall make out a list from the best information he can
When returned.	secure. He shall, on or before the first day of May in every year, complete and return the list so taken
Trustees review and revise.	to the board of trustees. Upon the return by the assessor, the trustees may review and regulate and correct the same, and list any person or property in

said town omitted by the assessor; and after such review and regulation, the trustees shall give notice, by written or printed notice posted at the post-office in said town, that all persons who may feel themselves aggrieved by the valuation of the assessor, or by the corrections or reviews of said trustees, may appear before them at a stated meeting to be held for such purpose, on or before the twentieth day of May in each year, with their evidence, to show the true value of such property; and the trustees, upon such proof being made to them, may change such valuation.

§ 2. That when the assessor's list shall have been corrected and revised, the same shall be filed, and an order confirming the same shall be entered by the clerk; and the board of trustees shall thereupon, by an ordinance or resolution, levy such sum or sums of money as they may deem proper, not exceeding the amounts authorized by this act, and direct the clerk to make out a fair list of the persons and property liable to taxes, with the amount due by such persons or property, in alphabetical order, and place the same in the hands of the marshal or collector within fifteen days thereafter for collection.

Assessor's list,
when corrected
and confirmed,
filed.

Placed in hands
of marshal.

§ 3. That said board of trustees may annually lay and levy taxes for the current year, and direct the time within which the same shall be paid, at the first meeting of the board after the assessor's list has been confirmed, or at the next meeting thereafter, if any thing should prevent said levy at the first meeting.

Annually levy
taxes.

§ 4. That after the twentieth day of May in each year, the clerk of the board of trustees shall record, in a book to be kept by him for that purpose, the assessor's list, with the corrections made therein by the board of trustees; and the list thus recorded, or attested copies thereof, by said clerk, shall be evidence in any court of justice, and shall be *prima facie* evidence that the assessor complied with all the duties prescribed to him by law, and shall also be *prima facie* evidence that the laws in relation to the fixing and

Clerk keep record of assessor's
lists and corrections.

adjusting of the taxes has been regularly complied with by the board of trustees and other officers of said town.

Treasurer's duties.

§ 5. That the treasurer appointed by said board of trustees shall take an oath to faithfully discharge his duty, and execute bond, with sufficient surety, before the board of trustees. He shall receive and receipt for all taxes, fines, and other moneys due said town, and pay out the same only on the order of the board of trustees; and he shall pay no money out without receiving a copy of the resolution of the board of trustees, signed by the clerk, authorizing its payment. His books shall at all times be open to the inspection of persons having claims upon the board, upon reasonable notice. He shall, on the first day of May and October in each year, report to the clerk of the board a true list of all moneys collected by him, with a list of the taxes and dues that remain unpaid. He shall, whenever required by an order of the board, attend and report to the board the condition of the treasury, and shall at all times be ready for a settlement of his accounts; and shall, when he ceases to hold said office, pay to his successor, or to such person as the board may by order direct, the balance in his hands belonging to said town.

Clerk's duties.

§ 6. It shall be the duty of the clerk of the board of trustees to preserve the books, records and every thing belonging to his office, and deliver the same to his successor in office; to keep a regular journal of the proceedings of the board, with a regular account of the fiscal concerns thereof; to file and preserve the poll-books annually, make out and issue certificates of election to all persons elected to office in said town; to record all the acts, resolutions and orders of the board; to attest all bonds, agreements and records, and preserve all contracts and agreements made between the board and other persons; he shall copy and sign all resolutions, orders, claims, allowances, and issue notices when required to do so by the board of

trustees; he shall file and preserve, annually, the assessor's book; he shall file and preserve the report of the treasurer of those taxes and dues which have not been paid; and make out and place in the hands of the marshal the list of persons or property whose tax remains unpaid, when directed so to do by resolution of the board.

ARTICLE VII.

§ 1. That the board of trustees of the town of Hiseville shall have power and authority to assess, levy and collect a tax on all real and personal estate in said town, and all stocks, bank deposits, bonds, etc., and all other choses in action owned by persons residing within said town, and subject to State taxation under the laws of Kentucky, not to exceed forty cents on each one hundred dollars' worth of property; and they shall have power to levy and collect a poll-tax, not exceeding two dollars, on all male persons in said town over twenty-one years of age.

§ 2. That the said board of trustees shall have power to tax all theatrical performances, shows, and exhibitions of all kinds, in any sum not exceeding twenty dollars for each exhibition. Tax on theatricals, etc.

§ 3. That said trustees shall have power to levy and collect a tax on goods sold by transient merchants and peddlers by public outcry in said town, not to exceed five per cent. on the gross amount of sales of said goods, wares and merchandise in said town. Peddlers, etc.

§ 4. That the said trustees shall have a lien on all real and personal estate in said town until all the taxes due by the owners thereof are paid; and all such property shall be liable to be distrained and sold for the payment of such taxes and the costs of distraining and selling. Liens for taxes.

ARTICLE VIII.

§ 1. The judicial power of the town of Hiseville shall be vested in and exercised by a court, to be

Police court judge. styled the Hiseville police court, which shall be held by a judge, to be styled the police judge of Hiseville, who shall be elected by the qualified voters of said town at the same time that the county judge is elected, and for a term of four years. Said police judge shall qualify as required by the Constitution and laws of the State of Kentucky, and enter upon the discharge of his duties at the same time that

Election. county judges are required by law. The next election of police judge of said town shall be held on the first Monday in August, 1890, until which time the present police judge of said town is continued in said office.

Qualifications § 2. Said police judge shall be a resident of said town and over the age of twenty-one years.

Exclusive jurisdiction. § 3. Said court shall have exclusive jurisdiction of all prosecutions for a breach of the ordinances of said town, and concurrent jurisdiction with courts of justices of the peace of Barren county of all civil suits, where the matter in controversy does not exceed one hundred dollars, exclusive of interest and costs.

Concurrent jurisdiction. § 4. Said police court shall have concurrent jurisdiction with justices of the peace of all criminal and penal prosecutions within the county of Barren, and the judge of said court shall have the same jurisdiction to sit as an examining court that a justice of the peace has.

Court of record. § 5. Said court shall be a court of record, and the police judge shall be the clerk thereof, and shall issue all necessary precepts, writs and summons; and he shall keep a correct record of the proceedings of said court; and a copy of said record, certified by the judge of said court, shall be evidence in any court.

§ 6. All prosecutions for violations of the ordinances of Hiseville shall be by warrant or summons (as the judge deems proper), issued in the name of the Commonwealth of Kentucky, for the benefit of the town of Hiseville; and for all fines due said town a *capias pro fine* may issue.

§ 7. The police court of Hisseville shall always be open for the trial of persons charged with a violation of the ordinances of said town, or any criminal offense cognizable in said court. Police court always open.

§ 8. The police judge shall receive the same fees, collectable in the same manner, as allowed by law to justices of the peace for similar services. Fees.

§ 9. Appeals may be taken from judgments of said court in the same manner and on the same terms that appeals are allowed from judgments of justices of the peace. Appeals.

§ 10. There shall be held in said town four quarterly police courts for trial of civil causes in every year, the time of holding said terms to be fixed by the police judge on the same day of every third month from the last term thereof. Said police court shall be held at such place as may be fixed by the judge thereof. Quarterly terms.

§ 11. The provisions of the Criminal Code of Practice shall regulate the proceedings of said court in penal and criminal cases, and the provisions of the Civil Code of Practice shall regulate the proceedings in civil cases. Code of Practice govern procedure.

§ 12. If from any cause the police judge fails to attend and hold his court, or should fail or refuse, from any cause, to hold his court, or should there be a vacancy in said office, then, and in that case, the chairman of the board of trustees shall hold said court; and in case of a vacancy in said office of judge, said chairman shall issue all process, writs, and executions which said police judge could by law issue. In absence of police judge, chairman board trustees act.

§ 13. That upon all judgments for fines rendered by the police court for a violation of the ordinances of said town, and which shall not be paid or replevied at the time the judgment is rendered, an execution against the estate of the defendant or a *capias pro fine* may be issued, requiring the imprisonment of the defendant in the county jail until the same be paid; but the imprisonment shall not exceed one day for Execution. Capias pro fine.

Convicted defendant may be placed at hard labor.

each two dollars of such fine: *Provided*, That the police judge may, in his discretion, direct such defendant so fined to be placed at hard labor upon the streets or alleys of the town, or at any other labor for the benefit of said town, until he shall pay his said fine and the costs adjudged against him, allowing for his said labor at the rate of one dollar per day. Such defendant shall be under the control of the town marshal, who shall be responsible on his official bond for the escape of such defendant; or in case there is no marshal, the police judge may appoint a suitable person to take charge of such defendant. The defendant shall not be required to labor more than eight hours in any one day. And all fines and forfeitures originating from the violations of the said town ordinances shall inure and go to the benefit of said town, to be paid over to whom the board of trustees of said town may direct.

ARTICLE IX.

§ 1. That the town marshal of Hiseville shall be
 Marshal elected. elected by the qualified voters of Hiseville the first Saturday in April, 1888, and hold his office for two years, and until his successor is elected and qualified. Said town marshal shall be elected every two years, at the time of the election of trustees, and the term of the present marshal is continued until the first Saturday in April, 1888.

§ 2. He shall, before entering upon the duties of his
 Execute bond. office, execute bond, with security, payable to the Commonwealth of Kentucky, and approved by the
 Conditions. board of trustees of Hiseville, conditioned that he will faithfully perform the duties of his office, and will pay over and account for all moneys collected by him, under the penalties and conditions of bonds given by sheriffs for the performance of their duties.

§ 3. That the marshal of said town shall be *ex officio*
 Collector of taxes. collector of all taxes, dues and demands of said town, and shall have all the power and authority within

said town and the county of Barren to distrain, levy, and sell property for all taxes, dues and demands which are due and to become due the said town of Hiseville that sheriffs have under the revenue laws of this Commonwealth.

§ 4. That said marshal shall receive for his services Fees. the same fees that constables are entitled to receive for similar services, and for collecting taxes a compensation to be fixed by the board of trustees.

§ 5. The said marshal shall have the same power in Marshal's powers and duties. said town and the county of Barren that the sheriff has by law to serve notices, execute warrants, writs, and all other process from any of the courts of said county, and to levy and collect executions and orders from the courts of said county.

§ 6. That said marshal and his securities shall be Liability of marshal. liable on his official bond for all taxes, dues and demands listed with him for collection, in the same manner that sheriffs are liable under the laws of the State; and suit on his bond may be instituted in the name of the trustees of Hiseville, in any court having jurisdiction.

§ 7. The marshal, for his services in prosecutions for Marshal's fees. violation of the town ordinances, shall be entitled to same fees as for similar services in criminal or penal prosecutions under the general law.

§ 8. The said marshal shall have the same power to Power in collection of taxes. collect taxes by garnishment as is now given to sheriffs of this Commonwealth by the laws of the State. The notice, similar to that required to be given by the sheriff, may summon the person or persons owing the taxes before the Hiseville police court; and said court shall have the same power to hear and determine any garnishment for taxes due said town as the county court has in the garnishment for taxes due the Commonwealth.

§ 9. It shall be the duty of the town marshal to pay Shall pay over to treasurer. over to the treasurer and take his receipt for all fines, forfeitures, taxes and other moneys collected by him

at as early a period as possible after their collection. And he must pay all moneys collected on executions and *capias pro fine* on or before the first day of January and July of each year. And he must make a final settlement with the treasurer on the first day of September in each year, and deliver to the treasurer the tax list, together with the money collected on the same, less the commission allowed for collecting, and take receipts for same; and on his failure so to do, he and his securities shall be responsible on his official bond for such default, in like manner and subject to the same penalties that sheriffs and their securities are.

Vacancy in marshal's office.

§ 10. If there should be a vacancy in the office of marshal, the board of trustees shall have power to appoint a collector, who shall have the same power to collect the taxes due said town, and under the same conditions and penalties, as herein provided for the marshal. And said collector must give bond, with security, to be approved by said board, for the faithful discharge of his duties.

ARTICLE X.

Board of trustees. § 1. In addition to the powers now conferred on trustees by law, the board of trustees of Hiseville are vested with the power—

General powers. 1. To make all necessary ordinances for the regulation and good government of said town.

2. To pass all necessary ordinances for the suppression of riots, routs, breaches of the peace, affrays, unlawful assemblies, riotous or disorderly conduct and drunkenness in said town, and to provide for the punishment of persons engaged in such offenses, and fix the penalties.

3. To fix penalties for the violation of any of the ordinances of the town, in such sums as they may deem best, not however, in any case to exceed one hundred dollars for any one offense.

4. To declare by ordinances what are nuisances within said town, and by their order direct the same to be abated; and they may, by ordinance, impose fines upon persons guilty of creating or continuing nuisances in said town.

§ 2. All laws or parts of laws in conflict with this act are hereby repealed.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 24, 1888.

CHAPTER 634.

AN ACT to authorize John M. Arnett to erect a boom across Bill Oakley creek, in Magoffin county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John M. Arnett is hereby authorized to erect and keep a boom across Bill Oakley creek, in Magoffin county, at or near its mouth, for the purpose of catching, holding and harboring loose saw-logs which may be adrift upon said stream and coming against said boom.

§ 2. This act shall take effect from its passage.

Approved March 19, 1888.

CHAPTER 635.

AN ACT to amend an act, entitled "An act to further regulate the conduct of elections in the city of Covington."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the language following, contained in the seventh section of an act, entitled "An act to further regulate the conduct of elections in the city of Covington," approved May 1, 1886, viz: The Kenton

county court and the city council of Covington, and paid one-half by said county and one-half by said city, except that in city elections the entire expense shall be paid by said city, be, and the same is, struck out and repealed, and therefor the following words are inserted and substituted in said section seven, to wit: "The city council of the city of Covington, and be allowed and paid by said council."

§ 2. And said act is further amended by adding to the sixth section thereof the following words and figures, to wit: "Said board shall have power to elect a clerk who shall hold his office for one year from and after his election. The clerk shall attend all meetings of the board, and shall make and keep true and correct minutes of the proceedings thereof in a record book to be procured by said board and kept for that purpose. He shall make and record and keep lists of the officers of election appointed by said board, together with the dates of their respective appointments. He shall also keep the financial accounts of the board, and shall perform such other duties as may be directed by the said board. The board shall fix the compensation to be paid to its clerk, which shall not exceed fifty dollars per annum, which shall be paid by the city council as the salaries of other city officers are paid, upon a certificate from said board showing the amount thereof.

§ 3. This act shall take effect from its passage.

Approved March 24, 1888.

CHAPTER 636.

AN ACT to amend an act, and the amendments thereto, authorizing the Carroll county court to take stock in turnpike roads in said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section two of the amendment to said act, which was approved January 23, 1884, be amended by

⁸Striking out the whole of said section, and inserting in lieu thereof the following: That all turnpike road companies which have or may hereafter build turnpike roads in said county by the aid of said county, are authorized to collect the same rate of tolls on said roads as is now allowed to be charged by the General Statutes of Kentucky for travel on turnpike roads; but before charging or collecting such tolls, said companies shall issue stock to said county equal to the sum paid by said county to assist in building said roads, certificates for which shall be deposited with the Carroll county court, and an order entered of record stating that the said stock has been so deposited.

Act of January 23, 1884, amended.

Tolls.

Issue stock to county.

§ 2. Whenever the board of directors of any turnpike road in said county presents to the Carroll county court an order stating that the turnpike road managed by said directors is transferred to said county court as a county road, it shall be lawful for said court to accept the same, and thereafter treat it as a public road; and the same shall be worked and kept in repair as the public roads of said county are worked and kept in repair.

§ 3. To properly work and keep in repair such public roads of said county, the hands and teams within one mile of said roads may be assigned to work the same, but no team shall be required to work more than four days in any year; and for failure or refusal to work, the hands shall be fined as now provided by the General Statutes; and the owners of the teams, which refuse or fail to send or have their teams worked when summoned, shall be fined in like manner and amount.

§ 4. The provisions of section three in regard to teams shall apply to all the public roads of said county.

§ 5. This act shall take effect from its passage.

Approved March 24, 1888.

CHAPTER 637.

AN ACT to incorporate and establish a system of public schools in district No. 49, including the town of Adairville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Boundary of district. § 1. That all the territory embraced within the limits of common school district No. 49, including the town of Adairville, shall be, and is hereby, incorporated as a school district, which shall be under the control and management of trustees elected by the legal white voters within the limits of said territory as hereinafter designated, and shall be known as the Adairville Public School District.

Board of trustees. § 2. The persons so selected shall constitute and be styled the "Board of Trustees of the Adairville Public School District," and by that name shall be a body-politic and corporate, and may sue and be sued, contract and be contracted with; may buy and sell and convey real and personal estate for school purposes; and the title of all public school property in said district shall vest in said board and their successors.

Corporate powers.

Number trustees. § 3. The number of trustees for said district shall be seven (7), to be elected on the first Saturday in June, annually, and hold their offices until their successors are elected and qualified. A majority of said board shall constitute a quorum for the transaction of business; and in case of the death or resignation of any of said trustees, or if, from any cause, there should be a vacancy, the other members of the board shall fill said vacancy by the appointment of some suitable and qualified person; said trustees to qualify within one week after their election. No person shall be eligible to the office of trustee who has not been a resident of the district six months next preceding his election, and who has not attained the age of twenty-one years.

Quorum.

Vacancy.

Who eligible.

§ 4. Said trustees, before entering upon the discharge of their duties, shall take an oath to faithfully perform the duties required of them under this act before a justice of the peace or county judge.

§ 5. The board of trustees shall have the power to By-laws. fix the time and place of meeting; to make all by-laws and rules for the government of themselves and appointees, and for the management, control and government of the public school; and shall cause to be kept a correct journal of their proceedings, which Keep record shall be open at all times to the inspection of any citizen of Adairville and the territory mentioned.

§ 6. The said board of trustees shall appoint all Shall appoint teachers and fix compensation. teachers and other persons necessary to carry on said school, and prescribe all rules for its government, and fix their compensation or salaries, and may dismiss or suspend any teacher or other person appointed by them for good cause; prescribe the branches of education to be taught in the school, and prescribe the necessary qualification for and the mode of examination of pupils applying for admission into the school.

§ 7. The said board shall appoint one of its members Chairman. chairman, who shall preside at all meetings, and perform such other duties as may be devolved upon him, and may appoint a secretary, prescribe his duties, and fix his compensation.

§ 8. All white children over six and under twenty Pupils who may be admitted. years of age, residing in said district, shall have equal rights of admission to said school, free from all charges of admission or tuition, except an incidental fee not exceeding one dollar for each pupil per session of ten months; and it is expressly provided that only white children shall be admitted into said school.

§ 9. The said board of trustees shall, at the end of Make reports. each school year, make out a report, in writing, and have the same published, if they deem it necessary, showing the number of pupils in said school, and the condition and amount of property and funds belong-

ing thereto, and such other facts and information as the cause of public education requires.

§ 10. The following persons are hereby appointed and constituted trustees under this act, namely: A. M. Moseley, W. K. Rayburn, J. A. Bell, J. C. Carroll, G. D. Cregor, J. M. Barbee and J. L. Moorman, who are hereby clothed with as full power and authority as trustees as if elected by the qualified voters in said school district at a regular school election therein for the selection of a board of trustees, and serve until their successors are elected and qualified.

Shall levy and collect tax annually.

§ 11. The board of trustees shall cause to be levied and collected an annual tax at the rate of not exceeding seventy-five cents on each one hundred dollars' worth of property owned by white persons, subject to taxation for revenue purposes to the State within the limits of the said Adairville public school district aforesaid; and there shall also be levied annually by the said board of trustees a capitation tax, not exceeding two dollars, on each white male citizen within the limits of said school district over twenty-one years of age: *Provided*, That the levy of said ad valorem tax and capitation tax aforesaid shall not be made until the question of the levy of the same shall have been submitted by the said board of trustees to the resident voters within the limits of said Adairville public school district, required to pay taxes under this act for said public school; and if a majority of said voters voting shall vote in favor of making said levy, then it shall be the duty of said board of trustees to make said levy, or cause the same to be done as aforesaid.

Proposition of tax to be submitted to vote.

The proposition for levying said tax shall be submitted to said voters by said board of trustees at such time and manner as may be fixed and prescribed by said board of trustees. Said taxes to be levied on the first Saturday in April, and be due on the first day of September in each year, and collected by a collector appointed by the board of trustees for that purpose, who shall collect the taxes in the same manner

Collector of taxes.

as the State revenue is collected, and shall have the same power and authority in the collection of said tax as is conferred upon the sheriff or revenue collectors of this Commonwealth in the collection of State revenue. Said collector shall execute bond running in the name of the Commonwealth of Kentucky, for the use and benefit of the board of trustees of the Adairville public school, before said board of trustees, with good security, to be approved by them, for the faithful performance of his duties, with the same penalties as are or may be prescribed by law for the sheriff in the collection of the State revenue; and shall receive for his services such compensation as shall be prescribed by the board of trustees. Said collector, together with his securities, shall be responsible on his bond for any and all delinquencies as collector. This tax shall be called the school tax, and be paid in money only, and to be used for the purposes aforesaid, including the compensation that may be allowed the treasurer, secretary, assessor, and collector by said board of trustees. The proposition for submitting the vote on the question of levying the said tax may be submitted any number of times, notwithstanding a majority of said voters may have previously voted against the levying of the said tax.

§ 12. Said board of trustees shall have power to appoint a treasurer for said school district, who, before entering upon his duties, shall execute bond running in the name of the Commonwealth of Kentucky, for the use and benefit of said board of trustees, with good security approved by them, conditioned for the faithful performance of his duties under this act. All funds arising from the collection of the annual tax shall go into the hands of said treasurer, who shall, together with his securities, be responsible therefor. Said treasurer shall pay out said funds for the purposes for which they were raised, upon the written order of the chairman of said board, and at least two of the names of the said trustees signed thereto.

§ 13. All moneys in the school treasury shall be under the control and management of said board of trustees, and used by them for the sole purpose for which they were raised ; and they shall not be used for any other schools than that under the control of said board of trustees.

Duty of county
superintendent.

§ 14. The county superintendent for common schools of Logan county shall annually make an estimate of the share or proportion of the State common school fund which would be coming or due to that part of the territory embraced within the limits of the Adairville public school district aforesaid, as if the boundaries of the same were taken as the boundary of such district, and shall annually pay over to the treasurer of the board of trustees herein created the full amount of such proportion or share, which shall be held and used by them as the other funds herein provided for.

§ 15. The board of trustees may admit into said school white children who do not reside within the limits of said school district, upon such terms and conditions, and upon the payment of such charges, as the said board may deem right.

Officers election.

§ 16. The board of trustees shall appoint two judges and a clerk, who reside in said district, to hold the election of trustees of said district, who shall be sworn as officers for holding State and county elections ; and said judges shall make out and return the poll-books to said board, who shall examine the same and issue certificates of election to those having the highest number of votes.

Assessor.

§ 17. The board of trustees shall appoint an assessor, who shall make the assessments necessary for fixing and collecting said taxes, under such rules and regulations as may be prescribed by the board of trustees, and shall receive such compensation for his services as may be fixed by said board of trustees. The assessor shall, in listing and assessing the taxable property in said district for taxation under this act, shall assess said property at its fair cash value. If the owner of

any property so listed claims that the valuation so made is excessive, he shall have the right to bring the matter before the board for correction. Said board, after hearing the proof, shall change and correct such valuation if it proves to be unreasonable. And likewise, if the assessment of any of the property in said district listed for taxation shall be valued by the assessor too low, said board of trustees, upon their own motion, shall cite the owner or his agent before them by written notice, and change and correct the assessment or valuation made by the assessor.

§ 18. The present board of trustees of common school district No. 49 be, and they are hereby, empowered and directed to dispose of any property, real and personal, now in their hands belonging to said common school district, and pay the proceeds thereof to the board of trustees of the Adairville public school: *Provided*, That such disposition of said property shall not be made until this act is ratified by the voters in said district in the manner hereinbefore prescribed.

§ 19. This act shall take effect and be in force from and after its passage.

Approved March 24, 1888.

CHAPTER 638.

AN ACT authorizing the Carter county court to levy an ad valorem tax on the taxable property of said county each year to pay the ordinary indebtedness and expenses of said county, and to repeal all laws authorizing the levy of a poll or capitation tax in said county for county purposes ordinary.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Carter county be, and it is hereby, authorized and empowered to levy an ad valorem tax, not to exceed twenty-five cents on each hundred dollars of taxable property, on the taxable

property in said county subject to taxation for revenue purposes each year, for the purpose of meeting and paying the ordinary indebtedness and expenses of said county.

§ 2. The taxes named in the first section of this act shall be laid at the court of claims of said county of Carter each year, and shall be in lieu of all taxes now authorized by law for county purposes ordinary.

§ 3. All laws in conflict with this act are hereby repealed.

§ 4. This act shall take effect and be in force from and after its passage.

Approved March 24, 1888.

CHAPTER 640.

AN ACT to amend an act, entitled "An act to provide for working of persons committed to the custody of the jailer of Pike, Letcher, Martin, Knott, Floyd, Johnson, Elliott, and Carter," approved March 23, 1886.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Amend original
act.

§ 1. That the act, entitled "An act to provide for working of persons committed to the custody of the jailer of Pike, Letcher, Martin, Knott, Floyd, Johnson, Elliott and Carter," approved March 23, 1886, be, and the same is hereby, amended so as to allow any person against whom the working penalty is adjudged by any court of Pike, Letcher, Knott, and Floyd counties to satisfy said judgment by working on the public road, street or alley in the road precinct in which he lives: *Provided*, Such person is a resident of the county in which he is tried, and can execute a bond, with approved security, in a sum double the amount of the fine imposed, that he will perform such work in the road precinct in which lives, and within a time, specified in the bond, not longer than twice the number of days he is required to work to

Execute bond.

Work on road.

satisfy said fine; said bond shall be taken by the clerk of the court rendering the judgment.

§ 2. If, at the time the bond is taken, the person Bond taken. giving such bond has satisfied any part of said judgment by being confined in the county jail, or by work- Satisfy judgment. ing on the public road as provided in the act to which this act is an amendment, due credit shall be given him for the same.

§ 3. Upon the execution of said bond, the clerk Execution of bond. taking the same shall deliver to the person giving the bond a statement, in writing, showing the number of days he is required to work upon the public road, which statement he shall deliver to the surveyor of the road precinct in which he lives. Upon receipt of said statement, said surveyor shall assign to the person delivering the same a reasonable task upon the road, Reasonable task. street or alley in his road precinct sufficient to keep him at hard labor at least eight hours per day for each day he is required to work.

§ 4. When the labor has been performed the sur- Surveyor shall make. veyor shall make out a certificate, verified by his own affidavit, that he did assign a reasonable and sufficient task for said person, as required by section 3 of this act, and that the same has been performed. Said certificate shall be delivered by the person giving said bond to the clerk, to whom the bond was given, by the expiration of the time allowed him to perform said work; and upon receipt of the same, said clerk shall cancel the bond and mark the judgment satisfied.

§ 5. Should the certificate provided for in the preceding section be not delivered to the clerk as therein provided, the bond shall, at the next term of the court in which the judgment was rendered, be forfeited in the same manner as bonds for the appearance of a party in said court are forfeited; and the amount recovered by reason of such forfeiture shall be applied to the same purpose as the fine, if paid, would have been applied.

§ 6. This act shall take effect from and after its passage; and its provisions shall extend and apply to the counties of Martin and Johnson; and all acts or parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 24, 1888.

CHAPTER 641.

AN ACT to amend an act, entitled "An act to establish a public school in Morganfield, in Union county," approved April 19, 1886.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Amend original
act and change
boundary.

§ 1. That section 1 of an act, entitled "An act to establish a public school in Morganfield, in Union county," be so amended as to include in the said public school district the lands of John A. Sugg on the north-west, Hiram McElroy's land on the north-east, and the lands of F. B. Brown and L. C. Flurnoy on the east of said school district. And that said section 1 be further amended by substituting the name of John H. Wall for that of T. B. Young.

Amend section 5
of the original
act.

§ 2. That section 5 of said act, approved February 19th, 1886, be, and said section is hereby, repealed, and that the following is substituted therefor: The said trustees shall, as soon as practicable, publish this act for thirty days, by printed posters at the courthouse door in Morganfield, and ten other public places in said district, and call an election submitting this proposition to the legal white voters in said district; and in case at said election a majority of the votes cast shall be for and in favor of accepting this proposition, then, on the first Monday in August thereafter, five trustees shall be elected by the legal white voters of said district, who shall, when so elected and duly qualified, succeed the board named in this act, and shall hold their office for two years, and until their successors are elected and qualified; and every two

Election.

Elect trustees—
time of holding.

years thereafter a new board of trustees shall be elected on the first Monday in August, and hold their office the same as herein provided, and until their successors are duly elected and qualified. Said trustees shall reside in said district; and if any trustee shall die or remove from said district after his election, his office shall be vacant, and the remaining board shall appoint some one to fill said vacancy until the next regular election for trustees. All elections provided for under this act shall be held at the courthouse in Morganfield by two judges, a clerk and a sheriff, to be appointed by the Union county court, and the result ascertained in same manner as in elections for county officers.

§ 3. That section 24 of said act, approved nineteenth April, 1886, be, and said section 24 is hereby, repealed, and the following substituted therefor: This act shall take effect and be in force so soon as ratified by a majority of the qualified white voters of said school district voting at any election held for the purpose of taking the sense of the voters upon the subject of said ratification. At such election all legal white voters residing in said district, and all unmarried white women over twenty-one years of age who own property in said school district liable to taxation, and who reside therein, shall be entitled to vote, in person or by written proxy. The officers holding said election shall propound to the voters, in substance, the following questions: "Are you for or against the adoption of the act to establish a public school in Morganfield?" and their votes shall be recorded accordingly. And should this act not be ratified the first time it is submitted to the voters, it may be submitted at any other time or times, but not more than once in any two years.

§ 4. This act to take effect and be in force from and after its passage.

Approved March 24, 1888.

CHAPTER 642.

AN ACT to incorporate the Western Kentucky Coal and Improvement Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That A. J. Keller, W. H. Moore, J. W. Moores, their associates, successors and assigns, be, and they are hereby, created a body-corporate, under the name and style of "The Western Kentucky Coal and Improvement Company;" and by that name shall have perpetual succession, be capable of suing and being sued; may have a common seal and change the same; have power to contract and be contracted with; make by-laws for the government of the company, its officers, agents and employes in the conduct and management of the affairs and business of the company, and may alter, amend or repeal the same at will.

§ 2. The capital stock of said company may be any amount not to exceed one million dollars, divided into shares of one hundred dollars each; said stock shall be deemed personal property, and be transferable on the books of said company in such manner as may be prescribed by the by-laws thereof. The directors of said company may receive real or personal property in payment for subscriptions to the capital stock, and upon such terms and conditions and at such valuation as may be agreed upon by the directors, or a majority of them, and the subscribers respectfully; and no stockholder shall be held liable, or be made responsible for its debts and liabilities, beyond the amount of any unpaid balance due to the said company for stock subscribed for by said stockholders.

§ 3. The persons named in the first section of this act shall constitute the first board of directors of said company, and may serve as such directors until the first meeting of the stockholders thereof, at which,

and every annual meeting thereafter, the stockholders shall elect not less than three nor more than seven directors, as may be prescribed by the by-laws thereof, and shall continue in office until their successors are elected and qualified. No one shall be elected a director unless he is the owner of stock at the time of his election. At all meetings of stockholders, stockholders shall be entitled to one vote for each share of stock so held, which may be cast in person or by written proxy. The board of directors shall choose one of their number president, and appoint such other officers and agents of said company as may be prescribed by the by-laws. It shall require a majority, including the president, to constitute a quorum of the board of directors for the transaction of business.

§ 4. Said company shall have power to purchase, Real estate. hold, grant, sell, convey, lease, rent, use, acquire and dispose of any real or personal estate, in this State or elsewhere, and to mortgage the same to secure the payment of borrowed money, or to pledge the stock of said company as security, and on such terms and conditions as may be deemed necessary by the president and board of directors: *Provided*, That the bonds, indebtedness or loans of said company shall not exceed fifty per cent. of the capital stock; and Powers and privileges. said company may engage in the mining and selling of coal, in the manufacture of coke, of iron, of timber and lumber, of quarrying stone, and transporting the same to market; may erect and build or purchase such buildings, mills, coke ovens, furnaces, engines, machinery and fixtures as may be needful and proper for the successful conduct and management of the business of said company; and said company shall have the power to consolidate or unite with any other mining or manufacturing company upon such terms as may be mutually agreed upon; and said consolidated company shall have all the rights and privileges which may legally belong to either before said con-

solidation: *Provided*, That no powers or privileges not specially granted by this act shall be acquired in consequence of any consolidation with any other corporation.

§ 5. The principal places of mining, operating and conducting the business of said company will be in Muhlenberg county.

§ 6. This act shall take effect from and after its passage.

Approved March 24, 1888.

CHAPTER 643.

AN ACT to amend the charter of the "Somerset Street Railway Company," and to authorize the city of Somerset to guarantee the payment of certain bonds of said company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Amend original
act.

Exclusive privi-
leges.

§ 1. That the charter of the Somerset Street Railway Company, approved April 24, 1882, be amended as follows: That the said Somerset Street Railway Company shall be, and is hereby, authorized and empowered to locate, construct, complete and maintain and operate, with such number of tracks as the corporation may desire, a street railway by horse-power over any of the streets of said city, upon such terms and conditions and under such restrictions as may be agreed upon by it and the authorities of said city; and wherever it is deemed impracticable by its agents, surveyors or engineers, to build any part of said railway from one point to another in said city upon the streets thereof, they may leave the streets and run over private property; and it may agree with the owners of said property to purchase the same in fee-simple, or otherwise secure the right to use and occupy the same; and if they can not agree, or if the owners be under disability, may proceed to condemn the same, as provided by an act of this General Assembly, entitled

"An act to prescribe a mode of condemning land for the use of railroads and turnpike companies," approved April 11, 1882. Condemning property.

§ 2. That said company may, under such restrictions and upon such terms as may be agreed upon, operate any portion of its railway by steam power. Operate.

§ 3. Said company, to enable it to construct and operate its railway, is authorized and empowered to execute its coupon bonds, of such denominations, and payable at such time and place, as may be designated on the books of the company, bearing any rate of interest it may determine, not to exceed eight per cent. per annum, and to an amount not to exceed five thousand dollars. The purchasers and owners of said bonds shall have a first lien upon the railway, and all the property and franchises of said company, to secure the payment of said bonds and interest. Execute coupon bonds.

§ 4. That the city of Somerset, through its mayor and board of councilmen, may guarantee the payment of the bonds, or any part thereof, and their interest, authorized to be issued by this act, and such guaranty shall bind said city for the payment of said bonds and interest as they fall due, in case they shall not be paid by said railway company. Said guaranty shall be at the foot or on the back of said bonds, and in the words and figures as follows: "The city of Somerset, Kentucky, hereby guarantees the payment of this bond, and the coupons attached, in accordance with an act of the General Assembly of the Commonwealth of Kentucky, approved on the — day of —, 1888," inserting the date of the approval of this act, and which guaranty shall be signed by the mayor and countersigned by the city clerk of said city, under the corporate seal thereof. Guarantee payment of bonds.

§ 5. If said city shall pay any part of said bonds or interest, it shall succeed to all the rights given by this act to the purchaser or owner of said bonds, and the lien against the railway, property and fran- Owner of bonds.

chises of said company shall continue until all of said bonds are fully paid.

§ 6. The entire surplus earnings of said railway shall be paid into the hands of a trustee, to be appointed by the mayor and city council of the city of Somerset, who shall hold the same for the payment of said bonds and interest, the funds so held to be under the supervision and control of said mayor and city council through said trustee; but before said trustee shall act he shall execute a bond to said city and company for the faithful performance of his duties, as required by law; and said bond may contain such stipulations as said city council and railway company may direct or agree upon.

Earnings of rail-
road.

§ 7. None of the earnings of said company shall be paid out in dividends to stockholders until the bonds and interest guaranteed by the city of Somerset have been paid off by the company: *Provided, however,* That if the accumulations of the said company, in the opinion of the city council, shall be more than is necessary to pay said bonds and interest thereon as they fall due, then such portion of said earnings may be paid out in dividends to stockholders, as may be agreed to by said city council.

§ 8. This act shall take effect and be in force from and after its passage.

Approved March 24, 1888.

CHAPTER 644.

AN ACT to amend an act, entitled "An act to incorporate the Mammoth Cave Hotel and Railroad Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 6 of an act, entitled "An act to incorporate the Mammoth Cave Hotel and Railroad Company," approved February 11, 1874, be, and the same is hereby, amended by striking out the words

“one dollar and twenty-five cents,” and inserting in place thereof the words “fifty cents.”

§ 2. This act to take effect from and after its passage.

Approved February 24, 1888.

CHAPTER 645.

AN ACT to amend an act, entitled “An act to incorporate the Bowling Green and Northern Railroad Company,” approved March 31, 1886, and authorizing the county of Warren to subscribe aid to said railroad company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county of Warren be, and it is hereby, authorized and empowered to subscribe to the capital stock of the Bowling Green and Northern Railroad Company, as hereinafter provided, in any sum not exceeding one hundred and fifty thousand dollars, and may pay therefor in the negotiable coupon bonds of such county, payable not more than thirty years after date, and bearing interest at a rate not to exceed six per cent. per annum, payable semi-annually, and which bonds and interest shall be payable at a place designated therein.

County subscribe to capital stock.

Coupon bonds.

§ 2. Whenever application shall be made to the judge of the county court of said county, by a petition of not less than twenty-five resident tax-payers therein, requesting that the question of subscribing to the capital stock of said railroad company, upon the terms and conditions set forth in the petition, be submitted to a vote of the legal voters of such county, it shall be the duty of the said judge of said county court to order an election to be held in such county on a day named therein to ascertain the sense of the legal voters thereof upon the question of making such subscription, and to cause notice thereof to be published in such county, in a newspaper published therein, not less than

Question of subscribing to capital stock.

Clerk prepare
book.

forty-five days before such election, and to be posted at the court-house door in Bowling Green, Warren county, and at such other public places in said county as he may by order direct. For the purpose of holding said election the clerk of the Warren county court shall prepare a book for each voting precinct in said county, and said books shall contain two columns; at the head of one shall be: "For the railroad subscription;" and at the head of the other: "Against the railroad subscription;" and at such election votes shall be received and recorded under one or the other of said heads according to the wish of the respective voters. Officers of such election shall be appointed, and shall hold such election, and make return thereof to the county judge, in the manner provided in the elections held for county officers.

Result of vote.

§ 3. As soon as may be after said election, the county judge of said county shall determine if a majority of the legal votes cast at such election were in favor of such subscription; and if they were, he shall thereupon enter an order subscribing, in behalf of such county, to the capital stock of said railroad company, in accordance with the terms of the proposition so voted on. And he shall thereupon cause to be prepared and executed the negotiable bonds of said county as before mentioned, which shall be signed by him as county judge, and attested by the county clerk, with his official seal affixed thereto, and the coupons attached to said bonds shall be signed by such clerk.

Bonds shall not
be binding or
valid.

§ 4. The said bonds shall not be binding or valid obligations of the county until the railway of said company shall have been so completed that a train of cars shall have been passed over the same, from within the corporate limits of the city of Bowling Green to the terminal point on the Chesapeake and Ohio Railroad, which shall be named in the petition to the county judge requesting a vote under this act. But when said railroad is so completed, and a train of cars

Road completed.

shall have passed over same, from said point within the corporate limits of the city of Bowling Green, to the terminal point on the Chesapeake and Ohio Railroad, which shall be named in the petition to the county judge requesting a vote under this act, said bonds shall be delivered to the said railroad company in payment of the subscription of the said county as aforesaid; and the county shall thereupon be entitled to receive certificates of the stock so subscribed, and the county judge of said county shall order that such bonds shall be deposited with a chartered bank or trust company, to be held in escrow and delivered to said railroad company when it shall become entitled to same, by the construction of its road between the points above set forth: *Provided, however,* That said chartered bank or trust company shall, before receiving such bonds, give bond with good security, approved by the county judge, for the faithful performance of his duty in the premises.

Bonds delivered.

Certificates of stock.

§ 5. An annual tax, sufficient to pay the interest on such bonds and the principal when it shall become due, shall be levied and collected and paid out by the officers of such county as provided in case of other county taxes.

Annual tax levied and collected.

§ 6. That the names of Thomas H. Hays and J. J. Proctor, as incorporators of said company, are hereby stricken out, and the names of John B. Gaines and L. J. Proctor are substituted in lieu thereof.

Strike out names of incorporators.

§ 7. Said railroad company shall, within two years from the passage of this act, commence in good faith to build and construct said railroad; and shall, within six years from the passage of this act, complete said road, otherwise the original charter of said railroad company and this amendment are to be null and void.

Railroad company shall construct railroad.

Approved March 24, 1888.

CHAPTER 646.

AN ACT to incorporate the Monroe Normal School, at Flippin, Monroe county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That T. C. Gillewwater, E. A. Purcell, George F. Traim, D. E. Downing, J. T. Beals, F. M. Button, L. P. Flowers, J. M. Neal and Dr. J. A. Flippin, of Monroe county, and their successors and assigns, are hereby created a body-corporate, under the name and style of the "Monroe Normal School," and as such shall have perpetual succession; may sue and be sued, contract and be contracted with, and do any and all other acts of a natural person.

§ 2. The aforesaid incorporators shall have the power of appointing and electing from their number a president, a board of three directors, a secretary and treasurer, and such other officers as they may deem right and proper for the purpose of establishing and maintaining, in or near the village of Flippin, Monroe county, an institution of learning, for the proper training and education of young ladies, young gentlemen and children. They may, by their board of directors or president, employ teachers or professors, fill any vacancies that may occur in their number, make all necessary rules, by-laws and regulations for the government of said school, and do all other things necessary to secure a thorough course of instruction in said Monroe Normal School.

§ 3. The incorporators or their successors may acquire, by devise, gift, purchase or lease, such suitable property, real, personal or mixed, not exceeding in aggregate value ten thousand dollars, as they may deem necessary or expedient to the successful conduct of the said school.

§ 4. The faculty of the said Monroe Normal School may, with the consent of the trustees or board of di-

rectors, hold annual or semi-annual commencements, and confer upon such persons as shall complete the prescribed course of study any honorary degree or degrees, not of a higher grade than Bachelor of Arts, (A. B.)

§ 5. That said Monroe Normal School may receive ^{Pupils.} white pupils of both sexes, and of any degree of advancement; and that the trustees or board of directors may contract with the trustees of the common school of the district in which said normal school is located for the teaching of the terms of said common school in the buildings, and by the faculty of said normal school, upon such conditions as may be agreed upon by the common school trustees, the trustees or board of directors of said normal school, and the faculty thereof.

§ 6. That this act shall take effect and be in force from and after the date of its passage.

Approved March 24, 1888.

CHAPTER 647.

AN ACT to authorize precinct No. 1, in Barren county, to issue bonds and fund its present indebtedness.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Barren county, for ^{Issue bonds.} and on behalf of election precinct No. 1—usually called the Glasgow precinct—of Barren county, shall have power and authority to issue the bonds of said precinct to an amount not exceeding seventy-five thousand dollars, for the purpose of retiring the out- ^{Relieve out-} ^{standing} ^{indebt-} ^{edness.} standing seven per cent. bonds issued by said precinct in aid of the construction of the Glasgow Railroad.

§ 2. Said bonds shall be of denominations not less ^{Denomination of} ^{bond.} than one hundred dollars nor more than one thousand dollars each, and run not exceeding twenty years, but

to be redeemable at the option of said precinct, not exceeding (\$10,000) ten thousand dollars in any one year. The bonds to be paid and retired to be ascertained by lot by the commissioners of the sinking fund, at any time they may have the funds with which to retire bonds. Notice, number and amount of the bonds selected to be retired shall be published for thirty days in some newspaper published in Glasgow; and after the publication of said notice, the holders of said bonds will not be entitled to collect any interest on the same.

Publish notice. § 3. Said bonds shall bear interest from date at not exceeding six per cent per annum, payable semi-annually on the first days of May and November of each year, with coupons attached. Said bonds shall be signed by the county judge and countersigned by the county clerk, under the seal of his office; and said coupons to be signed by the county clerk alone. Said bonds and coupons shall be made payable to bearer, and shall pass by delivery; the interest, as it matures, and the principal, when due, to be made payable at the Deposit Bank of Glasgow. The bonds shall be numbered serially from one up, and the coupons to bear the serial number of the bond to which it is attached.

Interest on bonds § 4. Said bonds, when prepared and executed, shall be placed in the hands of the commissioners of the sinking fund for said precinct as they are required for sale or exchange, and said commissioners shall have the right to dispose of them, and with the proceeds pay off and redeem any of the present outstanding bonds of said precinct upon such terms as the said board may determine; or they may exchange any of said bonds at not less than their face value for any of the present outstanding bonds of said precinct upon such terms as the said board determine; but in no event shall a greater amount be paid or allowed in exchange for any of the present outstanding bonds of said precinct than their par value.

Power of commissioners.

§ 5. The county clerk of Barren county shall keep a record of all bonds issued under this act, showing the date of each bond, the amount, number, when payable, the number and amount of the coupons attached to each bond; and the commissioners of the sinking fund shall keep a record of the bonds received and sold or exchanged by them under this act, showing the number, amount, date, and when payable of each bond, the number and amount of coupons attached to each bond, and when sold or exchanged, as well as the bonds taken up by them and canceled by purchase or exchange. Said records shall be filed in the county court clerk's office, and shall be subject to inspection by the tax-payers of said precinct.

County clerk
record of bonds.

Commissioner of
sinking fund
keep record of
bonds.

§ 6. That the faith and credit of precinct No. 1 (usually called the Glasgow precinct), of Barren county, as the boundary thereof existed first September, 1869, and all the property therein situated, is hereby pledged for the payment of said bonds and the interest due thereon as it accrues; and it shall be the duty of the Barren county court, through its presiding judge, from time to time, to provide for the payment of the interest on said bonds, and for the payment of said bonds at maturity by the imposition of an ad valorem tax upon all of the real and personal estate (including the amount of each tax-payer's worth under the equalization laws) within said precinct subject to taxation for revenue purposes, as the boundary of said precinct existed when the present outstanding bonds were issued, viz., September 1, 1869.

Security of pay-
ment.

§ 7. That to enable the county court of Barren county to provide for the payment of the interest on said bonds as it falls due, and to provide a sinking fund for the payment of said bonds at maturity, an act, entitled "An act to charter the Glasgow Railroad Company," approved March 6, 1868, and an act, entitled "An act to amend the charter of the Glasgow Railroad Company," approved twenty-fifth February, 1869, and an act, entitled "An act to amend

Payment of in-
terest on bonds.

the charter of the Glasgow Railroad Company," approved February 8, 1870, and an act, entitled "An act to amend the charter of the Glasgow Railroad Company," approved April 8, 1880, and an act, entitled "An act to amend the charter of the Glasgow Railroad Company," approved March 2, 1882, are all here referred to and adopted and made parts of this act as fully and completely as if the same were in full incorporated herein: *Provided*, That the county court of Barren county shall have power to levy a tax, not exceeding fifty cents on the hundred dollars' worth of taxable property in said precinct in any one year, to create a sinking fund with which to pay off and retire said bonds: *And provided further*, That nothing herein contained shall be construed to repeal an act, entitled "An act to amend the charter of the Glasgow Railroad Company," approved April 8, 1880.

Power of county court.

Duty of collecting officer.

§ 8. That it shall be the duty of the collecting officers to give to the persons from whom he may collect the tax authorized to be imposed under this act, to pay the interest on said bonds, or to create a sinking fund for the payment of said bonds at maturity, a receipt specifying the amount paid and time of payment; and whenever the amount of said receipts shall equal twenty-five dollars in the aggregate, and shall be presented to the president and directors of the Glasgow Railroad Company, it shall be their duty to issue to the holder thereof a certificate of stock equal to the amount of receipts surrendered. Said receipts shall be assignable. The person receiving said certificates shall thenceforth be a stockholder in said railroad company, and entitled to all the rights and privileges of other stockholders.

§ 9. This act shall take effect from its passage.

Approved March 24, 1888.

CHAPTER 648.

AN ACT to authorize the court of levy and claims of Menefee county to levy an ad valorem tax for county purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Menefee county, a majority of the justices of the peace of said county being present and concurring, shall have power to levy an ad valorem tax annually, to be used for county purposes, upon all the property in said county subject to taxation: *Provided, however,* That not more than twenty-five cents on each one hundred dollars' worth of property shall be levied or collected in any one year.

§ 2. All tax levied under this act shall be collected in the same manner, for the same commissions, and by the same officers, under the same liabilities and penalties, that the revenue tax is collected: *Provided,* The provisions of this act shall not apply to the town of Frenchburg.

§ 3. This act shall take effect from its passage.

Approved March 24, 1888.

CHAPTER 649.

AN ACT for the benefit of the common schools of Shelby county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of the county superintendent of Shelby county to organize, and cause to be held, for the normal improvement and better qualification of the teachers of Shelby county, a teachers' institute, annually, between first of July and first of December in each year.

§ 2. The trustees of any common school in said county may extend the term to any time not exceed-

ing eight months for a common school ; and the school fund shall be prorated for the time the common school is taught.

§ 3. That the trustees of any common school in said county shall have power to prescribe branches of study to be pursued by the pupils of the school, in addition to those prescribed by the general school law of the State ; and may adopt text-books for said branches, and require their uniform use by pupils pursuing any additional branches that may be prescribed.

§ 4. This act shall take effect from and after its passage.

Approved March 24, 1888.

CHAPTER 651.

AN ACT incorporating a street railway company in Barbourville, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Green Elliott, C. F. Davidson, J. H. Wilson, C. W. Metcalf, S. B. Dishman, Jas. T. Gibson, C. D. Moss and W. J. Caudill, their associates and successors, are hereby created a corporation, with perpetual succession, by the name of the Barbourville Street Railway Company ; and by said name may contract and be contracted with, sue and be sued, acquire, hold, use and dispose of property ; make rules and by-laws for the government of its affairs, officers, agents and employes, and for the management of its business ; and by said name is authorized to do whatever may be done by a natural person, not inconsistent with the laws and Constitution of Kentucky and the laws and Constitution of the United States.

§ 2. Said corporation is hereby authorized and empowered to build and operate a street railway from

some point on the Cumberland Valley Railroad, in Knox county, Kentucky, to some suitable point or points in the town of Barbourville, county and State aforesaid, with all necessary side-tracks, turn-tables, bridges, culverts, trestles, barrow-pits and other structures, and may own cars and rolling-stock, and horses or mules, or engine for pulling same; and may acquire, hold, over in fee-simple or otherwise, a sufficient quantity of land for its said railway and its side-tracks, turn-tables, bridges, culverts, trestles, barrow-pits and other structures, and for such shops, offices, depots, platforms, warehouses and other buildings as may be used by said corporation or its agents or its employes; and when the owner or claimant of any land necessary to said corporation for its said railroad can not agree with said corporation as to the price to be paid therefor, then the same may be condemned according to law: *Provided*, That before any of the streets of the town of Barbourville shall be run over or across, the consent of the trustees of said town shall be first obtained.

§ 3. The capital stock of said company shall be ten thousand dollars, divided in shares of twenty-five dollars each, with power to extend its stock to any amount not exceeding twenty-five thousand dollars in like shares. When one hundred shares of said stock are subscribed, the incorporators herein named, or one or more of them, shall call the stockholders together, at some suitable place in Barbourville, Kentucky, by notice mailed or delivered to each stockholder ten days before said meeting, for the purpose of organizing and electing directors as herein provided. At said meeting, and at all meetings of the stockholders, each share of stock shall entitle the holder to one vote in person or by proxy, upon all questions to be voted upon by the stockholders. Said incorporators may designate one or more of their number to receive said subscriptions.

Capital stock.
Shares.

Directors. § 4. The affairs of said company shall be managed by seven directors, four of whom shall constitute a quorum for the transaction of business. Said directors shall be annually elected by the stockholders, and each one of them shall be a stockholder. After the first election under the call of the incorporators, the directors shall be elected by the stockholders at their annual meeting on the third Tuesday in January of each year, and the directors so elected shall hold office for one year, and until their successors are chosen and qualified. The directors shall have power to fill any vacancy in their body, the appointee to fill until his successor is chosen at the succeeding annual meeting of the stockholders.

Vacancy.

Officers. § 5. The officers of said company, to be chosen by directors, shall be a president and secretary and treasurer. The duties and responsibilities of each office shall office, shall be regulated by by-laws. The directors shall have power to appoint such agents and employes, and prescribe their duties and compensation.

Appoint agents.

Charge tolls. § 6. Said corporation is hereby authorized to charge, receive and collect for transportation and travel upon its said railway reasonable freights and passenger rates.

§ 7. Work on said railway shall be commenced in two years, and completed in five years from the passage of this act.

§ 8. This act shall take effect from and after its passage.

Approved March 24, 1888.

CHAPTER 652.

AN ACT to amend sections 4 and 5 of an act approved February 13, 1888, entitled "An act to amend an act to incorporate Carr Institute," approved March 9, 1882.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 5 of an act approved February 13, 1888, entitled "An act to amend an act, entitled 'An act to incorporate Carr Institute,' " approved March 9, 1882, be amended by striking out and repealing the following part thereof, viz: "That said collector, in collecting said tax, is authorized to receive of the tax-payers *pro tanto* in payment of taxes any receipt given to said tax-payer for taxes paid by the collector, collected under the provisions of said act, approved March 17, 1884," and by inserting the word "that" before the name A. B. Whayne.

§ 2. Amend section 4 of said act by striking out the word "annually," and inserting in lieu thereof "biennially."

§ 3. This act to take effect from its passage.

Approved March 24, 1888.

CHAPTER 653.

AN ACT respecting vagrants in the city of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the following persons are vagrants:

1. A person who, not having visible means to maintain himself, lives without employment.

2. A person who, being an habitual drunkard, abandons, neglects, or refuses to aid in the support of his family.

3. A person who has contracted an infectious or other disease in the practice of drunkenness or de-

bauchery, requiring charitable aid to restore him to health.

4. A person wandering abroad and begging, or who goes about from door to door, or places himself in the streets, highways, passages, or other public places, to beg or receive alms.

5. A person wandering abroad and lodging in bar-rooms, ale-houses, watch or station-houses, out-houses, market-places, sheds, stables, barns or uninhabited buildings, or in the open air, and not giving good account of himself.

§ 2. A police officer or constable must (or any agent or officer of an incorporated charity organization society) arrest and bring before the Louisville city court a vagrant under the provisions of this act; and if such arrested person be found, after trial, to be a vagrant as herein defined, he shall be committed to the city work-house for a term not exceeding six months, or if he be a proper object of charity, he may be sent to the city hospital or to the city alms-house, the time and place of his commitment being left to the discretion of the judge of said court: *Provided, however,* That said judge shall not commit any person to said hospital or alms-house without the authority or consent of the proper manager or custodian of said hospital or alms-house.

§ 3. This act shall take effect from and after its passage, and shall apply only to the city of Louisville.

Approved March 24, 1888.

CHAPTER 654.

AN ACT to incorporate the "Union Trust Company of Paducah."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. R. Puryear, T. J. Atkins, W. D. Greer, and their associates, successors and assigns, be, and

Name of incorporators.

they are hereby, created and made a body-corporate and politic, under the name of the "Union Trust Company of Paducah," and by such name shall have perpetual succession, sue and be sued, contract and be contracted with, and have all the powers herein-after given; and may have and use a common seal, and alter the same at pleasure.

§ 2. The capital stock of said corporation shall be Capital stock. one hundred thousand dollars, divided into shares of one hundred dollars each, with the privilege to increase the capital stock by a vote of the stockholders (those holding two-thirds of the capital stock assenting thereto), at an annual or special meeting, to any sum not exceeding five hundred thousand dollars.

§ 3. The corporators, or a majority of them named Open books for subscription to capital stock. in this act, shall have power to open books for subscription to the capital stock at such times and places as they may deem expedient; and when not less than fifty shares shall have been subscribed, the shareholders may elect a board of five directors, and begin business; the directors to serve for the term of one year, as hereinafter provided, and until their successors are duly elected and qualified; and the directors of said company, when it shall have been organized, may, and they are hereby, authorized and empowered to have and exercise, in the name and behalf of the company, all the rights and privileges which are hereby given.

§ 4. The principal place of business of said com- Place of business. pany shall be in Paducah. All the directors of said company shall be citizens of the State of Kentucky, and reside therein.

§ 5. The annual meeting of stockholders for the Meeting of stockholders. purpose of electing directors and attending to other business properly brought before such meeting shall be held in the city of Paducah on the third Monday in January of each year, under such rules and regulations as may be provided in the by-laws; and if, for By-laws. any reason, such annual meeting is not held, the di-

rectors then in office shall hold over until the next annual meeting, or a special meeting may be called and held for said purpose, in such manner as may be provided in the by-laws.

President, vice-president and secretary.

§ 6. The directors shall elect from their number, at the first meeting of the board after their elections, and annually thereafter, a president, vice-president, secretary and treasurer, who shall hold their offices, for the term of one year, and until their successors are elected and qualified, and may appoint such other officers, clerks, agents, and employes as the business of the company may require, and fix their compensation and prescribe their duties. The offices of secretary and treasurer may be held by the same person. All elections for directors shall be by ballot, and every stockholder shall be entitled to one vote for each share of stock held by him. At any meeting a quorum of the stockholders shall consist of stockholders owning at least one-third in value of all the capital stock, and a record of the proceedings of all such meetings shall be kept.

By-laws necessary for the government of.

§ 7. The board of directors shall make all by-laws necessary for conducting the business of the corporation, and shall keep a record of its proceedings. The directors shall have power to require payment of the amount remaining unpaid on the stock of the corporation at such times and in such amounts as they may deem proper. The said assessments to be made as the by-laws of said company may direct, and the corporation shall have a lien on the stock for any amount that may be due thereon.

Investment.

§ 8. One-half of the capital stock paid in shall be invested in such securities, at such rates of interest as they promise to pay, as are authorized by law for trustees; and from time to time shall be reinvested in the same, and shall be kept separate and apart from the other investments, and designated upon the books of the company as the "Trust Security Fund ;"

Duty of officers

and it shall be the duty of the proper officers of the

company annually (or oftener, if so required) to make a detailed statement, under oath, to such court or courts as may have committed any trust or trusts to said company of said investments; and said trust fund shall be specially and primarily liable for the obligations of said company as executor, administrator, guardian, receiver, assignee, or trustee in any other capacity, and shall not be liable for any other debt of the company until all its liabilities in regard to its trusts, as aforesaid, shall have been first fully met and discharged. The residue of the capital, and other money in the hands of the company, may be loaned or invested in such manner as may be determined by the company; but nothing herein shall be construed to permit said company to engage in the banking business.

§ 9. The capital of said company shall be taken and considered as the only security required by law for the faithful performance of its duties, and other security shall not be required upon its appointment to any of the offices or duties mentioned herein, except when required by the courts, or by parties in interest; but any court having jurisdiction to make or approve such appointments shall have power, before making or approving the same, and from time to time afterwards, to examine the officers of the company, under oath or affirmation, as to the security aforesaid; and may appoint a suitable person to investigate the affairs and management of said company, who shall report to court the manner in which its investments are made, and the security offered to those by or for whom its engagements are held; such investigation shall be made as often as ordered by the court, the expenses of said investigation to be paid by the company. Capital security.

§ 10. The said corporation may be appointed and may act as guardian of infants, as executor, or administrator or committee of lunatics, as receiver, assignee or other trustee, whether appointed by deed, by last will and testament, by any court in this Common- Guardian of infants and administrator.

Adjust, sell and convey.

wealth, or in any other manner not inconsistent with law. It may receive and hold in trust estate, real and personal, including the notes, bonds, obligations and accounts of estates and individuals, of companies and corporations, private or public; and may, in its fiduciary capacity, purchase, collect, adjust and settle, sell and dispose of the same in this State or elsewhere. It may act as agent or attorney in the leasing, conveying and managing real and personal estate, receiving and collecting rents and other moneys, in the issuing and countersigning certificates of stock, bonds, or other obligations of any corporation, association, municipality, State or other public authority; and may receive and manage any sinking fund therefor; and may accept and execute all such trusts, of every description, not inconsistent with the laws of this State, as may be committed to it by any person or persons, or by any corporation, or by any court of record of this or any other State. It shall have a trust department, and all its business of a fiduciary character shall be kept separate and apart from the other business of the company, in a separate set of books, and a separate account shall be kept with each estate committed to its care.

Responsibilities, duties, &c.

§ 11. In the exercise by said company of the powers herein authorized as guardian, executor, administrator, committee of lunatics, or of any office or duty imposed by the court, said company shall be subject to the same duties and responsibilities, shall have the same powers, and shall receive the same compensation as may be fixed by law in relation to individuals holding similar offices or trusts, except as herein otherwise specially provided. The exercise of the other powers, and the performance of other duties by said company may be, as to compensation and otherwise, matters of contract with the parties interested.

Erect building.

§ 12. Said corporation may purchase, erect or rent a building having a commodious and strong safety vault, containing a number of small compartments or

boxes, designed and adapted for renting to persons who desire to have a place of safe deposit for valuables; and said corporation is hereby empowered to rent out the boxes in such safety vault to such persons and for such sums of money and for such times as may be agreed upon between such corporation and such persons as may, jointly or severally, rent one or more of said boxes or compartments.

§ 13. Said corporation is hereby empowered to receive, for safe-keeping, any valuables that may be intrusted to it, receipting for same, by any of its officers designated by its by-laws so to do, and may guarantee such special deposits. Safe keeping of valuables.

§ 14. Said corporation may, until it secures a safety vault, vault for the valuables intrusted to it, rent or hire boxes in the safety vault of any other company or corporation, or rent a room or rooms for its use until it shall erect, rent or purchase a building. Vault.

§ 15. That said corporation is authorized to take, hold, have and enjoy all such estates, real, personal, and mixed, as may be obtained by the investment of its capital stock, and all other moneys or funds that may come into its possession in the course of its dealings and business, and the same to sell, grant, convey, mortgage, lease and dispose of at pleasure; and to execute, acknowledge, and deliver all deeds and other instruments of writing concerning the same. Real and personal estate.

§ 16. Said corporation may declare and pay such dividends, in such amounts, and at such times, as it may deem proper.

§ 17. This act shall take effect and be in force from and after its passage, and may continue for thirty years.

Approved March 24, 1888.

CHAPTER 656.

AN ACT to amend an act to incorporate the "National Surety Company," approved February 21, 1888.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section 4 of an act, entitled "An act to incorporate the National Surety Company," be, and the same is hereby, amended by inserting after the words "accumulated funds of said company," the words "so far as such stock and funds may not be used or required by said board for the current business of said company," and by adding to section 6 the following words, to wit: "Any person, corporation, officer or court taking or accepting said company as surety in or upon any contract, bond or other evidence of liability referred to herein, may agree with said company, and prescribe and limit the amount of its liability as such surety or guarantor."

§ 2. This act shall take effect from its passage.

Approved March 24, 1888.

CHAPTER 657.

AN ACT to incorporate the National Institute, at Madisonville, Hopkins county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That E. McCulley, J. E. Kemp, J. S. McCulley, and such persons as may be associated with them and their successors, be, and they are hereby, created a body-politic and corporate, by the name and style of the National Institute, and by that name may have perpetual succession ; may contract and be contracted with, sue and be sued, plead and be impleaded, in all courts and places ; may have a common seal, and

Names of incorporators.

Perpetual succession.

alter the same at pleasure, and may have the general powers belonging to educational corporations.

§ 2. The place of business of said corporation shall be Madisonville, Kentucky; its capital stock shall not exceed twenty-five thousand dollars, which may be divided into shares, and be paid for in such manner as the incorporators may direct. Place of business

§ 3. The said incorporators may open books, receive subscriptions to the capital, and proceed to organize under the powers delegated by this act. When the subscriptions to stock are completed and the corporation organized, the stockholders may proceed to elect a board of directors and such officers, including president and secretary, as they may deem necessary for the transaction of the business of the corporation. Open books to capital stock.

§ 4. The said directors shall have power to pass such by-laws, rules and regulations, as may be necessary for the management and control of said institute; for the government of its officers and servants; for the conduct of its school and the transaction of its business, and which are not inconsistent with the laws of this State or the United States. Powers of directors.

§ 5. The said corporation may own and hold title to real estate, not exceeding five acres; may receive donations in aid of its school, and for the advancement of education. Real estate.

§ 6. The faculty of said institute shall have power to grant diplomas; confer degrees upon such persons as may complete the prescribed course of study under the rules of the institute: *Provided*, That no diploma or degree shall be conferred upon any one wanting in business power or moral character. Diplomas.

§ 7. This act shall take effect from its passage.

Approved March 24, 1888.

CHAPTER 659.

AN ACT for the benefit of James D. Blackwell, sheriff of Webster county, and to allow him further time in which to execute his county levy and State revenue bonds for year 1888.

WHEREAS, James D. Blackwell, sheriff of Webster county, has, through inadvertence, failed to execute his bonds for collection of the State revenue and county levy for year 1888 ; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That said sheriff is allowed the further time of thirty days, from and after the passage of this act, in which to execute his bonds for collection of the State revenue and county levy for said year 1888 ; and the county judge of Webster county is authorized to accept and approve such bonds if executed within said time ; and said bonds, when so executed, are to have the same effect, and stand as if executed within the time prescribed by law ; and said sheriff is relieved of all disability (if any) consequent upon his failure to execute said bonds or either of them.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 24, 1888.

CHAPTER 660.

AN ACT to incorporate the Hodgenville and Middle Creek Turnpike Road, in Larue county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That George M. Slaughter, James M. Young, Peter Kennedy, Amos Walters, Thomas Hubbard, Al. Essex, S. W. Mather and Robert Hubbard, and their associates and successors, be, and they are hereby,

Names of incorporators.

created a body-politic and corporate, under the name and style of "The Hodgenville and Middle Creek Turnpike Company;" and by said name and style shall have power to contract and be contracted with, sue and be sued, plead and be impleaded, in all the courts and places in this Commonwealth; and to have and use a common seal, and change and alter the same at pleasure.

§ 2. That said company is hereby authorized to build and construct a turnpike road from the town of Hodgenville to a point on Middle creek, at or near where the Shepherdsville road now crosses said creek.

§ 3. The capital stock of said company shall not exceed fifteen thousand dollars, and shall be divided into shares of fifty dollars each; and any of the corporators named in this act may receive written subscriptions to the capital stock of said company, and each stockholder shall be entitled to one vote for each share of stock owned by him in said company at all elections of officers, which vote or votes may be given in person or by proxy. The subscription to said capital stock shall be in substance as follows: "We, whose names are hereunto subscribed, do bind ourselves, respectively, to pay the president and directors of the Hodgenville and Middle Creek Turnpike Company the sum of fifty dollars for each and every share of stock set opposite our names, in such manner and proportion, and at such times as shall be required by the calls therefor to be made by the president and directors of said company."

§ 4. As soon as a sufficient amount has been subscribed to build one mile of said road, it shall be the duty of the above-named incorporators, or some one of them, to give notice of a meeting of the stockholders of said company at some convenient point for the purpose of choosing officers, and at said meeting at least two of said incorporators shall be present to superintend said election. There shall be a president

Duty of incorporators.

Elect a clerk.

and five directors elected, who shall hold their offices for one year, and until their successors are elected and qualified. The directors shall elect a clerk, who shall also act as treasurer of said company, and he shall, before entering upon his duties, execute bond, with security, as treasurer, to be approved by said company, to the effect that he will faithfully perform the duties of said office, and that, when required by said company, he will pay over any and all money in his hands as clerk and treasurer. He shall hold his office one year, and until his successor is elected and qualified.

§ 5. Said company is hereby authorized to establish and erect a toll-gate on said road when three miles thereof has been completed, at such point thereon as they may select, and may collect toll thereon.

§ 6. Said company are authorized to let out the building or making of said road to contractors, on such terms and in such portions as they deem proper.

Duty of clerk.

§ 7. It shall be the duty of the clerk to keep a faithful record of all proceedings of the board of directors, and, as treasurer, to keep a faithful record of all moneys received and disbursed by him, which records shall at all times be open to the inspection of stockholders.

Call for subscription.

§ 8. No one call for subscription shall be for more than fifty per cent. of the amount subscribed, nor shall such calls be made oftener than thirty days.

§ 9. The president and board of directors shall have and exercise full control and management of the affairs of said company, and may enact such by-laws for the government of said road as they think proper, and may employ such agents as are deemed proper.

§ 10. Said company shall have power to acquire, hold, use and enjoy such real estate, earth, timber, gravel or stone as may be necessary in or for the construction of said turnpike, and may condemn land for the right of way and toll-houses, gravel, stone and timber necessary in the construction of said road, in

the same manner provided by law for the condemnation of land by railroad companies when same can not be obtained by consent or purchase.

§ 11. This act shall take effect from its passage.

Approved March 24, 1888.

CHAPTER 661.

AN ACT to amend the charter of the town of Simpsonville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the boundaries of the town of Simpsonville, Kentucky, in Shelby county, shall be the same as are now established by law. Boundary.

§ 2. That the fiscal, prudential and municipal concerns of said town, with the government and control thereof, shall be vested in five trustees, any three of whom shall constitute a quorum to transact business, and all of whom shall have resided in said town six months next preceding their election. Trustees.

§ 3. That said trustees and their successors shall be a body-politic and corporate, and shall be known by the name and title of the Board of Trustees of the town of Simpsonville; and by that name shall be capable in law of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of answering and being answered, and of defending and being defended, in all courts and in all places; and may use a common or private seal, and do all other acts, matters and things which a body-politic or corporate having perpetual succession can lawfully and rightfully do and perform. Politic and corporate. Power to defend.

§ 4. There shall be, on the first Saturday in March, 1888, and every year thereafter, an election held, by the persons qualified as hereinafter mentioned, for five trustees for said town, who shall be residents of said town and legal voters therein, and shall hold Election.

their offices for one year, and until their successors are duly elected and qualified. Any vacancy that may occur, from any cause, in said board of trustees, may be filled by the board until the next regular election. The trustees, before they enter upon the duties of their office, shall take an oath before the county judge, or other qualified officers of Shelby county, faithfully to discharge their duties.

Limitation to:
voter.

§ 5. No person shall vote at an election for trustees unless he be a legal voter, and shall have been a resident of the town for sixty days before the election at which he offers to vote.

Time of holding
election.

§ 6. Said election shall be held after ten days' notice, posted up by the clerk in three conspicuous places in said town, or at such accessible places as may be appointed by the board of trustees; and the chairman of the board, together with the nearest magistrate of the county, shall constitute the board of supervisors of said election, together with the clerk of the board of trustees, who shall be clerk of the election, and these three shall hear and determine the qualifications of voters. The five eligible persons voted for, receiving the highest number of votes, shall constitute the board of trustees for the ensuing term. The poll-books shall be signed by the supervisors and delivered to the clerk, who shall file them with the archives of the town. The clerk shall notify, in writing, the persons elected as trustees, and they shall qualify within twenty days after their election.

Quorum and
chairman.

§ 7. Any three of said trustees shall constitute a quorum for business. They shall elect one of their number chairman, who shall preside over their deliberations when convened, and shall call meetings of the board whenever he may deem it necessary. There shall be regular monthly meetings of the board at such times as may be fixed by the by-laws.

Monthly meet-
ings.

Power of trustees

§ 8. The said trustees shall have full power to make all by-laws necessary, and pass ordinances for the government of said town, not inconsistent with the

laws and Constitution of this State, and may fix adequate penalties for the violations of such ordinances, not exceeding a fine one hundred dollars nor exceeding fifty days' imprisonment for the violation of any one ordinance: *Provided*, No ordinance shall take effect until a copy thereof shall have been posted up by the clerk, for ten days, in three conspicuous places in said town. Said trustees shall have power to license and tax all shows, exhibitions, circuses, menageries, concerts, fairs, festivals or other entertainments, and auction sales held in said town (except by schools or churches), for money or profit, such reasonable rates as they fix by ordinances, not exceeding twenty dollars for any one show, and for any one day and night, to be paid by the proprietor, salesman, manager or getter-up thereof; and they shall have power to extend the jurisdiction so as to abate any nuisance or other things that may be determined to the moral and sanitary interest of said town within one-half mile of the limits thereof.

§ 9. They shall have power to levy and collect, upon the real and personal property in said town subject to taxation under the laws of the State, not exceeding twenty-five cents on the one hundred dollars' worth of property annually, and may assess a poll-tax not exceeding one dollar and fifty cents annually upon each tithe in the town, which taxes shall be applied to the improvement of the streets and alleys and drainage of the town, and to its other and usual expenses: *Provided*, That such lands as are used for agricultural purposes that lie within the boundaries of said town shall not be taxed for general purposes, but they may be taxed, at a rate not to exceed ten cents on the one hundred dollars of value, for the improvement of the streets, alleys and walks of said town. Said trustees shall, for the use of said town, take possession of all buildings or property now owned by said town, and all property held in trust

Levy and collect
on personal prop-
erty.

Possession of
buildings, &c.

by it; and they shall have power to purchase, acquire and hold, by deed, gift or lease, any lot or lots or parcel of land or building or buildings necessary for the use of the town, and may acquire or erect a good and sufficient building to be used as a lock-up for said town, for the confinement of persons convicted in the police court of said town for the violation of the ordinances or by-laws of said town, or for the temporary keeping of other lawful prisoners until they can be removed to the county jail, or to any other place of confinement in which they may lawfully belong.

§ 10. The said trustees shall appoint a town clerk, who may be one of their number, who shall have charge of all the books, bonds and papers belonging to the town, and shall safely keep them. He shall attend the meetings of the board, record their proceedings, and perform such other duties as may be imposed upon him. They shall appoint a treasurer, whose duty it shall be to receive receipts for, and take charge of all moneys belonging to the town, and pay them out upon the order of the board. He shall keep an account of all his receipts and disbursements, and shall report once a month to the board the condition of the finances of the corporation. The clerk and treasurer shall give bond with sufficient security, to be approved by the board, for the faithful performance of their respective duties; and upon default or violation of said bond, suit may be brought against the officer and his securities in any court having jurisdiction thereof. Said officers shall hold their offices one year from the time they were appointed, but may be removed for cause at any time at the pleasure of the board and others appointed in their stead; and they shall, upon the appointment of their successors, deliver to them all their books, papers and property of the corporation, of any kind whatever, that may be in their possession.

§ 11. On the first Saturday in March, 1888, and every two years thereafter, at the same time and

place, and under the same regulations that the trustees are to be elected, there shall be elected, by the same voters of said town, a police judge, who shall hold his office for two years, and until his successor is commissioned and qualified. The clerk of the board of trustees shall give a certificate to the person receiving the highest number of votes for police judge, and upon presentation of the same to the Governor of Kentucky, he shall issue a commission to said officer. He shall, by virtue of his office, be a conservator of peace, and shall, before he enters upon the duties of his office, be commissioned and sworn to faithfully ^{Performance of duty.} and impartially to execute all the duties of police judge of said town, and also take such other oaths as are administered to justices of the board. He shall have the same power, authorities, and jurisdiction with justices of the peace in civil, penal, and criminal cases, and in addition (except when unable to act from any cause, in which event the nearest justice of this district shall discharge his duties until he can resume his duties of his office), he shall have exclusive jurisdiction within the limits of said town of all the infractions of the by-laws and ordinances of said town, and of riots, affrays, and breaches of the peace committed within the limits thereof; and he ^{Power to fine.} shall have power to fine for contempt in any sum not to exceed five dollars, and to imprison not exceeding ten hours. He shall have all necessary power for issuing compulsory processes against parties and witnesses, and he may order a jury to any civil case before him, at the request of the parties, when the amount in controversy is over ten dollars. He shall order the arrest of any drunken or disorderly person within the limits of said town; and upon such person being brought before him, may order them to be confined until they are sober, and may require a disorderly person to give security to be of good behavior for any period not to exceed one year. The bond shall be to the Commonwealth of Kentucky in

any reasonable sum not to exceed one thousand dollars; and his court shall be a court of record. When a peace bond is violated, the trustees of said town may institute proceedings for the breach thereof before any court having jurisdiction, and the fine, if any, assessed shall be paid over to the treasurer of said town for its benefit. He shall have power to order the arrest, without warrant, of any person or persons whom he may see violating any of ordinances of said town, or committing any breach of the peace within the limits of said town, and cause them to be brought before him for trial. No appeal in civil, penal or criminal cases, where the amount involved does not exceed ten dollars, besides interest and costs, shall be taken from the decisions of said judge. His fees shall be the same as those allowed justices. He shall hold his court quarterly for the trial of all civil cases pending before him on the second Friday in January, April, July and October, and may continue each term from day to day until completed; and he may try all penal and criminal cases as soon as brought before him, giving parties a reasonable time to present for trial.

Appoint town
marshal.

§ 12. The board of trustees shall, immediately after their election in March, 1888, and annually thereafter, appoint a town marshal for said town, whose appointment shall be entered of record, and upon a certified copy thereof being produced to the clerk of Shelby county court, he shall, at a regular or special term of said court, administer to said marshal the same oaths taken by constables, and that he will faithfully perform all the duties of marshal of said town according to law; and said marshal shall execute bond, with good security, in said court, as constables are required to do, with the further covenant that he will perform all the duties of marshal of said town according to the law. The bond shall be attested by the clerk, approved by the court, and filed in the clerk's office. The marshal shall pay the clerk his legal fees for

same. The marshal and sureties on his bond shall be liable thereon to the trustees of said town, and to any and all persons, as constables are liable on their bond, and the like penalties and actions may be had thereon. The marshal shall hold his office for one year, and until his successor is appointed and qualified: *Provided, however,* That the trustees may, at any time, remove him from office for just and sufficient cause, and may appoint another to fill his unexpired term, to be qualified in like manner as the first; and the marshal of said town shall have the same powers, authorities and jurisdiction that is given to constables, and shall be under the same responsibility and liabilities for his acts.

§ 13. The marshal shall have and receive for his ^{Salary of marshal.} services the same fees and commissions allowed by law to constables for like services; and for collecting taxes and performing services for said town, such commissions and fees as may be agreed upon by him and the board of trustees. It shall be the special duty of said marshal to execute all processes issued for an alleged violation of the by-laws and ordinances of said town, and to receive and execute all processes, and collect all executions issued by police judge of said town; in doing which, he may go to any part of Shelby county, and make return of same; and to arrest any drunken or disorderly person or persons, and take them before the proper officer for trial; but in case of temporary inability of said marshal to act, from any cause, the duty may be performed by any constable in district. It shall be the duty of the marshal to collect all taxes due said town, executions and other demands which may be put into his hands to collect or execute, and account for and pay over the same to whosoever may be entitled thereto.

§ 14. The board of trustees may, at any time when ^{Appoint policeman.} expedient, if necessary for the public good, appoint any necessary number of policemen to assist in suppressing riots or disorderly conduct, and in keeping

the peace, and pay such policemen such sum as may be agreed upon for their services.

§ 15. All officers of said town shall be residents thereof, and over twenty-one years of age.

§ 16. Shall be the duty of the trustees, at the first meeting after the annual election, or as soon thereafter as possible, to appoint an assessor, who, after being sworn faithfully to discharge the duties of his office, shall call upon the owners of taxable property, or their agents, and make out a true list of their taxable estate, real and personal, with the value thereof; and this shall be made upon the oath of the tax-payer or his agent. In the absence of either, the assessor shall give notice, as now required by law for assessors of this Commonwealth, and they be subject to like penalty if, after notified to appear and give his or her taxable list. The said assessor shall return said list within one month after his appointment, and may be fined for failure to do so, upon motion of the trustees, upon five days' notice, before the police judge, in a sum not less than ten nor more than twenty dollars. Said assessors shall be paid by said trustees, out of the revenues of the town, such sum as may be agreed for his services.

§ 17. The board of trustees shall act as a board of supervisors of tax for said town.

§ 18. If any person against whom a penalty of fine is assessed in the police court of said town for a violation of the by-law or ordinances of said town, shall fail to pay the same, said police judge shall have authority to direct the confinement of such person or persons in the town prison house or lock-up, or work them upon the streets, alleys or such other work within the limits of said town as would be a public benefit, at the rate of one dollar for each day so confined or worked until said fine and cost are paid. Said person or persons, while so confined or worked, shall be under the direction, control and care of the

marshal, who shall see the person or persons so confined or worked are properly cared for.

§ 19. All money obtained for licenses, fines and forfeitures authorized by this charter, and for fines and forfeitures imposed by the by-laws and ordinances of said town, shall be paid into the town treasury for the benefit of said town.

§ 20. For the non-payment of taxes due said town upon any real estate, the marshal is hereby vested with power and authority to sell such real estate for the amount of taxes and cost of sale on the premises for cash, at such time and after such notice as is required of sheriffs in sales of real estate; and when sold, and not returned within two years from the date of sale, by paying over the price bid and ten per cent. per annum thereon, said marshal or his successor in office shall convey the same by dues to the purchaser or his assigns.

§ 21. All acts or parts of acts in conflict with this are hereby repealed. This shall not be construed so as to invalidate the collection of taxes due said town under the original charter.

§ 22. This act shall take effect and be in force from its passage.

Approved March 24, 1888.

CHAPTER 662.

AN ACT appointing an official reporter, and for the preservation of evidence in certain cases tried before the city court of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the judge of the city court of Louisville is hereby authorized to appoint a phonographic reporter, who shall hold his office for a term of four years, and until his successor is appointed and qualified, subject to removal by the judge for neglect of duty or incompetency.

§ 2. Upon the trial of any felony case, the pre-
 siding judge may, in his discretion, order a full
 report of the testimony, or such portion of the tes-
 timony as he may deem necessary; in which case it
 shall be the duty of said official reporter to cause
 short-hand notes of such or all of the evidence to
 be taken, and upon request of the judge to cause
 a full and accurate transcript of the same to be made,
 or, in his discretion, he may order a transcript to
 made out, which shall contain such parts of the evi-
 dence as he may deem material, which shall be at-
 tested by the judge and returned with the papers
 to the Jefferson circuit court; and when so attested
 and returned, shall be in lieu of the notes which have
 been heretofore taken by the judge of said court.

§ 3. Said reporter shall receive for his services a
 salary of eighty-three dollars and thirty-three and
 one-third cents per month, which shall be paid by
 the city of Louisville in monthly installments, in the
 same manner as other salaries are now paid.

§ 4. Said reporter shall receive from any party or
 parties, other than the judge of the Louisville city
 court, ordering transcripts of his notes, the same fees
 as are now allowed official reporters of the Jefferson
 circuit court.

§ 5. In all cases on trial in any court, if a question
 arises as to what a witness stated or did not state
 upon trial of the case in the city court, said reporter
 may be introduced, when practicable, to prove same.

§ 6. Before entering upon the duties of his office,
 the official reporter appointed under this act shall
 take the usual oaths of office, and for the perform-
 ance of his duties shall give bond, with sufficient se-
 curity, payable to the city of Louisville, in the sum
 of five thousand dollars, conditioned that he faith-
 fully perform his duties; said bond to be filed in the
 office of the clerk of the Louisville city court; and
 if forfeited, suit may be instituted thereon by the
 city for the use of the party injured.

§ 7. All acts or parts of acts in conflict herewith, are hereby repealed.

§ 8. This act shall take effect from its passage.

Approved March 24, 1888.

CHAPTER 663.

AN ACT to enable the city of Cloverport to subscribe to the capital stock of the Cloverport and Fordsville Railway Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the mayor and city council of the city of Cloverport, in Breckinridge county, shall have power to submit to the legal voters of said city a proposition for said city to subscribe for the capital stock of the Cloverport and Fordsville Railway Company to any amount not exceeding ten thousand dollars (\$10,000); that said vote may be taken and the election held at any time designated by said city council; but public notice of the day of said election, and of the purpose thereof, shall be given by written or printed notices posted in ten (10) or more public places within said city for not less than twenty (20) days prior to said election, and by publication thereof in a newspaper published in said city for at least fourteen (14) days prior to said election.

§ 2. That at said election a poll-book shall be opened, and the question propounded to voters shall be: "For railroad tax," and "Against railroad tax," and the votes shall be recorded in appropriate columns.

§ 3. Said election shall be, and the vote canvassed, examined and certified by the officers whose duty it is to perform similar duties in elections for city officers. If a majority of the votes cast at such election shall be in favor of the "railroad tax," it shall be the duty of the mayor of said city to issue the bonds of the said city in the amount specified in the ordinance submitting the vote.

§ 4. Said bonds shall bear such rate of interest, and be made payable at such place, and shall run for such a number of years before maturity, as shall be prescribed by the said mayor and city council in the ordinance or proposition submitting the vote.

§ 5. Said bonds and their coupons for the annual interest shall be signed by the mayor, and the bonds shall bear the impress of the seal of the city.

§ 6. Said bonds, when so issued, shall be deposited with some individual or corporation to be held in trust, and shall only be delivered, in whole or in part, to the said railway company upon performance of such conditions and stipulations as may be prescribed by the city council aforesaid; and said mayor and city council shall, in the ordinance submitting the vote, prescribe such conditions and stipulations as to the delivery of said bonds as they may deem proper for the protection of the interests of the city.

§ 7. The trustee mentioned in the foregoing section shall be selected and named by the mayor and city council of said city, and may be changed whenever said mayor and city council deem it prudent and proper.

§ 8. This act shall take effect and be in force from and after its passage.

[Became a law without approval of Governor March 27, 1888.]

CHAPTER 664.

AN ACT for the protection of water-works companies, and to prevent the pollution of reservoirs in Fayette county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall be unlawful to put or throw, or cause or permit to flow, or run any liquid material or substance of any kind into the reservoir of any water-works company in Fayette county, whereby the water

in such reservoir shall be or may be polluted, or rendered in any way unfit for drinking purposes.

§ 2. Where any such reservoir is supplied by surface drainage, it shall also be unlawful to carry on or conduct any slaughter-house or manufacture of any kind in such place, or in such manner that the flow or drainage from the same may at any time run or flow into such reservoir; and each day upon which the same shall be so conducted shall constitute a separate offense.

§ 3. Any violation of the provisions of this act shall be punished by a fine of not less than twenty-five nor more than five hundred dollars, and shall also render the offender liable in a civil action to the company injured for double the amount of damages sustained by his act.

§ 4. This act shall take effect from its passage.

Approved March 24, 1888.

CHAPTER 665.

AN ACT to amend an act to incorporate the Carlisle and Sharpsburg Turnpike Company, approved February 26, 1847, and amendments thereto.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall be lawful for the board of common council of the city of Carlisle, in Nicholas county, and said council is authorized to cause to be laid and constructed and kept in good and sufficient repair, upon that part of the road-bed of the Carlisle and Sharpsburg Turnpike Road within the corporate limits of said city, such sidewalks or footways of wood, stone or brick, or such stone crossings, as it may deem necessary for the use of said city: *Provided*, That such sidewalks and crossings shall be so laid and constructed as not to obstruct the travel on said turnpike road.

Board of common council keep in repair road-bed.

Sidewalk condemned. § 2. Before erecting said sidewalk or footway, the width thereof shall be condemned by the county court of Nicholas county, on application of the board of common council, or a majority of said council, of the city of Carlisle, for a writ of *ad quod damnum* for that purpose. Said writ shall issue, and the proceedings thereunder shall conform as near as may be to the provisions of chapter eighteen of the General Statutes of Kentucky, edition of 1887, or an act to prescribe the mode of condemning land for the use of railroad and turnpike companies, approved April 11, 1882. The said city of Carlisle, or a majority of its common council, shall have the same rights as railroad or turnpike companies, under said last-named act, to prosecute said writ and condemnation of said sidewalk or footway, the proceedings being so varied as to apply to the provisions and purposes of this act.

Right to condemn.

Widen road in city limits. § 3. That it shall be lawful for said board of common council to compel said turnpike road company widen its road at any point within the city limits, but not to exceed forty feet, or to interfere with any house along said road. If said turnpike road refuses to obey the orders of said board of common council with reference thereto, it shall be deemed guilty of a nuisance, and shall be subject to punishment therefor in the mayor's court of said city upon warrant issued therefrom on complaint of said board or any member thereof, and fined not less than fifty nor more than one hundred dollars for each month said company shall refuse to widen its road-bed in pursuance of the order of said board. This act shall not be construed as interfering with the present sidewalks and pavements of said city, or of its right to erect, rebuild or improve the same.

Penalty for failure.

§ 4. All acts or parts of acts in conflict with this act are hereby repealed.

§ 5. This act shall take effect and be in force from and after its passage.

Approved March 24, 1888.

CHAPTER 668.

AN ACT to incorporate the Boxville Male and Female Seminary,
of Union county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. P. Hamner, as principal, and Dr. Joe. Allen, J. D. Blue, Francis Sigler, Sam. Taylor and W. D. McCarty, as trustees, and their successors, appointed by the principal, shall be a body-corporate, under the name of the Principal and Board of Trustees of the Boxville Male and Female Seminary.

§ 2. That the principal and corps of instructors shall have power to determine the course of study and discipline in said institute, provided it be co-extensive with that prescribed by the best institutions of the same order; that the principal and corps of instructors shall conduct semi-annual examinations, and shall, with the advice of the board of trustees, whose duty it shall be to attend the examinations, confer upon such young ladies and gentlemen as have completed the prescribed course of study and passed a reputable examination, the literary honors of the institution.

§ 3. That there shall be a course of science and of modern literature, and a more extensive course of science and ancient literature, taught in said institution; and upon those who shall have pursued the former, the degree of Maid of Science or Bachelor of Science, and upon those who have pursued the latter, Maid of Arts or Bachelor of Arts, shall be conferred.

§ 4. That should this institution at any time pass out of the hands of the present principal, his successor shall have all the rights and privileges specified in this act.

§ 5. This act to take effect from its passage.

Approved March 24, 1888.

CHAPTER 670.

AN ACT to amend an act, entitled "An act to incorporate Bethel Hill and Jessamine County Turnpike Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section six be amended as follows: By inserting after the word "charge," and before the word "toll," in the twelfth line of said section six, the word "full."

§ 2. By inserting after the word "which," and before the word "toll," in the thirteenth line of said section six, the word "half."

§ 3. That section 16 be amended as follows: By striking out after the word "from," in the fifth line of said section sixteen, the following: "church on said road on the Sabbath day," and inserting in lieu thereof the following: "his or her accustomed place of worship on said road on the Sabbath day."

§ 4. All laws in conflict with this act are hereby repealed.

§ 5. This act shall take effect from and after its passage.

Approved March 26, 1888.

CHAPTER 671.

AN ACT to change the boundary line between the counties of Green and Taylor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the line between Green and Taylor counties be so amended, straightened and changed as follows, to wit: That the line beginning at the place where it crosses the Hodgenville and Campbellsville Fork Road, on the north-west of Dr. R. W. Hasel-

wood's farm, and so changed and straightened, running in the direction of Campbellsville from said point, so as to include said R. W. Haselwood in the county of Taylor; that said Haselwood shall hereafter vote and list his property in Taylor county.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 26, 1888.

CHAPTER 672.

AN ACT to repeal an act, entitled "An act to amend an act, entitled 'An act to recharter the town of Mt. Vernon,' Rockcastle county," approved March 16, 1886.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to amend an act, entitled 'An act to recharter the town of Mt. Vernon, Rockcastle county,'" approved March 16, 1886, be, and the same is hereby, repealed.

§ 2. This act shall take from its passage.

Approved March 26, 1888.

CHAPTER 673.

AN ACT to amend the charter of Grier's Creek Turnpike Road Company, in Woodford county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act, entitled "An act to incorporate the Grier's Creek Turnpike Road Company, in Woodford county," approved March 25, 1882, be, and the same is hereby, amended as follows, to wit: Said company shall have the right to collect toll for the travel on that portion of its turnpike road lying between the Versailles and Nicholasville Turnpike Road and the Versailles and McConn's Ferry Turnpike Road,

in Woodford county, when and while said portion is fit for public travel, regardless of the condition of the remainder of its road; and if at any time the remainder of said road is unfit for public travel, or is suffered to remain out of repair, it shall not affect the right of said company to collect toll on that portion between the two turnpikes aforesaid, nor be a ground for forfeiting the charter of said company so far as it affects said portion of said road. For collecting toll on said portion of said road the company may erect either one or two toll-gates, as it may deem necessary.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 26, 1888.

CHAPTER 674.

AN ACT to amend an act, entitled "An act to incorporate the McCoun Ferry and Wheat's Mill Turnpike Road Company," approved May 12, 1884.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section one of said act be, and the same is hereby, amended so as to read, after the words "Kentucky river," in the fifth line, as follows, viz., "thence the most practicable route, on or near the old ferry road, to a point in the Harrodsburg and Frankfort Turnpike Road, at or between Samuel Demaree's and the town of Salvisa; thence across the same, westward, on the most practicable route, to the Salvisa depot on the Louisville Southern Railroad; thence westward, on the most practicable route, to Wheat's Mill, on Salt river; thence west, on the most practicable route to the county line, at or near William Cox's and Joseph A. Morris'," etc.

§ 2. All acts or parts of acts in conflict with this, are hereby repealed.

§ 3. This act shall be in force from and after its passage.

Approved March 26, 1888.

CHAPTER 675.

AN ACT to regulate the making, altering and repairing of county roads in Marion county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That before any county road surveyor shall have power to use, at the expense of the county, any wheel carriage or other implement for the purpose of making, altering or repairing any county road, he shall have the written permission of the nearest commissioners magistrate to said road, stating the amount of hauling or other work such surveyor may have done.

When surveyor of road may use implements on road.

§ 2. Should such magistrate deem it necessary, in order to know the condition of the roads, to examine the same, he may do so, and shall have for his service one dollar per day for the time he may be actually engaged, not to exceed, however, five dollars for any one year.

Compensation.

§ 3. No magistrate shall, as aforesaid, empower any county road surveyor to use any wheel carriage at the county's expense for the purpose of making, altering or repairing any county road, unless it shall be necessary to make such road reasonably passable for the traveling public, and not until such road shall have been well graded and ditched.

Duty of magistrate.

§ 4. Each county road surveyor shall certify the number of hours per day any wheel carriage or other implement was actually used on the public road at the

Surveyor certify number hours implements used.

expense of the county as aforesaid; and before any claim for such work shall be paid by the county, the written permission of the nearest commissioners magistrate to the road worked, authorizing such work, shall be produced before the county court empowered to pass upon and allow such claim.

County judge
may remove sur-
veyor.

§ 5. The county judge may at any time, without notice, remove from office any county road surveyor of said county, and appoint a suitable person for the position.

When gravel
may be used.

§ 6. Before any gravel, metal, or substance of any kind, shall be placed upon a road at the expense of the county, the county court shall, by an order of court, fix the amount of public moneys to be expended upon county roads in any one year; and such order shall have no force or effect whatever unless the same shall have been signed by a majority of all the commissioned magistrates and county judge of said county: *Provided, however,* That if the county judge refuse or fail to sign such order from any cause, two-thirds of all the commissioned magistrates may sign the same, and it shall have the same force and effect as if signed by the county judge.

How money
divided.

§ 7. It shall be the duty of the county judge, together with the commissioned magistrates of the county, to divide, by an order of court, the public moneys to be expended upon county roads, equally among the magisterial districts of said county, according to the length, travel and condition of the county roads in the respective magisterial districts.

Only money al-
lotted to be used.

§ 8. In no event shall any magistrate or magistrates of any magisterial district authorize the expenditure of more money than shall have been allotted such district under the provisions of section 7 of this act.

Penalty.

§ 9. Should any magistrate or county road surveyor violate any of the provisions of this act, he shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not exceeding one hundred dollars.

§ 10. This act shall apply only to Marion county ; and all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

§ 11. This act shall take effect from and after the first day of June, 1888.

Approved March 26, 1888.

CHAPTER 677.

AN ACT to incorporate the Ohio, Cumberland and Mississippi River Railway Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Francis M. Green, John Hammack, Thos. Blackwell and James Yates, of Webster county; and J. W. Blue, A. H. Cardin, Dr. W. J. Deboe, J. C. Elder, Jr., and T. J. Nunn, of Crittenden county, Kentucky, their associates, successors and assigns who may become stockholders, be, and they are hereby, created a body-politic and corporate, by the name and style of the Ohio, Cumberland and Mississippi River Railway Company; and by that name shall have perpetual succession, and be capable of suing and being sued, pleading and being impleaded, defending and being defended, in law and equity, in all courts and elsewhere as a natural person; and said corporation may have and use a common seal, and set aside and renew or alter the same at pleasure; and by said corporate name may contract and be contracted with; and by that name shall be, and are hereby, invested with all the powers and immunities of natural persons, in acquiring and disposing of all real and personal estate which it may be needful to acquire or dispose of in order to facilitate the object and purpose of this act and of this corporation.

§ 2. The capital stock of said company may be any amount not exceeding thirty thousand dollars per

mile for each mile of said road which said company shall build or own in this State, to be divided into shares of one hundred dollars each; and individuals, railroad companies and other corporations, either in or out of this State, are authorized to subscribe for and hold stock in said company.

§ 3. The corporators named in the first section, or so much of them as may act, may open books for subscription to the capital stock of said company, at such times and in such places as they may think proper, and give such notice of the times and places of opening the same as they think proper; and when twenty thousand dollars shall have been subscribed, they may call a meeting of the subscribers, notifying each subscriber of the time and place of meeting, and proceed to organize said company by electing from the subscribers a board of directors of seven in number, who shall elect a president, vice-president, secretary and treasurer from the stockholders of the company; the president and directors shall have power to adopt such by-laws for the government of the company, its officers, agents and employes, in the general conduct and management of the affairs and business of the company, as may be needful and proper.

§ 4. That the board of directors shall provide in the by-laws for an annual election of the board of directors, consisting of seven in number, who shall be stockholders of said company, and fix the time and place, and determine the manner of the first and succeeding election of directors; the directors shall severally hold their office for one year, and until their successors are elected and qualified; it shall require a majority to constitute a quorum of the board of directors for the transaction of business; at the election of directors, and all other meetings of stockholders in said company, stockholders shall be entitled to one vote for each share of stock so held, which may be cast in person or by written proxy; provisions shall

be made in the by-laws for annual meetings of the stockholders, and such called meetings as are necessary.

§ 5. The president and directors shall have the management and control of the property, business and affairs of the company, and may appoint all such officers and agents and employes as are necessary, prescribe their duties and compensation, and take from any of them bond, with security, for the faithful performance of their duties.

§ 6. The general office of said company shall be located by a majority vote of the board.

§ 7. It shall be lawful for the directors and president of said company to open stock books for the subscription of capital stock at such times and places, and continue them open for such length of time, as may be deemed necessary; the capital stock of said company is hereby declared to be personal property; and may be issued, certified, transferred and registered in such manner and in such places as may be ordered and provided by the board of directors of said company.

§ 8. The said Ohio, Cumberland and Mississippi River Railway Company shall be, and is hereby, authorized and empowered to locate and construct, build and complete a railroad, and may establish such gauge or gauges, and construct its said railway and branches with such gradients and curvatures, as it may deem best calculated to subserve and promote the object and purpose of this charter; and also construct telegraph lines, bridges, inclines and transfer boats, or any other device for the purpose of transporting its cars, passengers and freights across any and all navigable river or water-course, road, highway, railroad or canal, in such manner as not to obstruct the use of the same.

§ 9. That said Ohio, Cumberland and Mississippi Railway Company may have the right to purchase, lease or receive donations of land, depot grounds, or

other property or money, that may be useful in the prosecution of its business.

§ 10. And it may build, operate and maintain branches from its main line as it may, from time to time, determine.

§ 11. Shall have power to construct and operate its railroad and telegraph on the line described in this section; and for that purpose shall be entitled to acquire title to a continuous lines of not exceeding one hundred feet in width of land, with such additional grounds as may be necessary for the use of said railway and telegraph lines, from its commencement at some point on the Ohio river, at or near Henderson, Kentucky, Henderson county, in a southernly direction by Yates' store and Clay, in Webster county; thence to or near Marion, in Crittenden county; thence to or near Smithland, in Livingston county; thence to Paducah, in McCracken county; and build, construct and furnish said railway with all necessary side-tracks, turn-outs, switches, depots, stations, and all necessary buildings, erections and structures for the convenient workings of said railway and carrying on its business; and with all other rolling stock of every sort and kind; and all other machinery, implements and property the company deem necessary and proper for the proper prosecution of its business; and said company shall have power to operate and maintain the same; and for said purpose said company, in its corporate capacity, is hereby vested with all power necessary for purchasing, acquiring title to, holding, and using such real and personal property as may be necessary in the constructing, maintaining, and operating of said railroad.

§ 12. Said corporation is hereby authorized by its agents, surveyors and engineers, to cause such examination and surveys to be made of the different routes as are necessary to determine which is most suitable for the construction of said railway; and the president and directors, or a majority of them, or their author-

ized agents may agree with the owners of any land, earth, stone, timber, or other material or improvement which may be wanted for the construction, operation and maintenance of said railway or any of its works necessary for the use of said railway, for the purchase in fee-simple, or the use and occupation of the same; and if they can not agree, said company may condemn same as now provided by law. Said company shall not be delayed in progressing with its work by the proceedings required in this section, but may enter upon and use the land and real estate needed, and take and use the earth, gravel, stone, timber, and other material necessary for its use at any time after it has been viewed and valued by the commissioners; and after payment or tender made of the same value so estimated, first notifying the owner or owners of the same, and causing a correct account to be kept of the material use to date of inquest of damages.

§ 13. The said company shall have power to purchase and hold any other road in this State or elsewhere, and may subscribe stock to any railroad, bridge or depot company, in or out of this State; and may agree on terms for consolidating said company with any other railroad company in or out of this State, upon such conditions as may be agreed upon; and may lease and operate any railroad connecting with said railroad or branches, and upon such terms as may be agreed upon between the companies so uniting, connecting or consolidating; and for that purpose full power is hereby given to said company to make and execute such contracts with any other company as will secure the object of such connection by lease or otherwise; said company may also sell the said railroad or lease the same, and may extend branches of said road to any point in southern or western Kentucky.

§ 14. The Ohio, Cumberland and Mississippi Railway Company, in order to raise means for the construction, equipment and operation of their railroad, may issue and sell the bonds of said company of the

of the stock or money, the county courts respectively shall then subscribe the amount thereof upon the books of the company, and levy upon the tax-payers of such county or district such sum as will be sufficient to pay the stock so subscribed; said tax to be collected as other county taxes: *Provided*, Not more than fifty per cent. of such tax shall be collected in any one year. Whenever any county or district shall have subscribed or donated to the capital stock of said company as aforesaid, the county court may issue bonds to the amount subscribed or donated, or any part thereof, bearing interest at the rate of not exceeding six per cent. per annum, with coupons attached for the payment of said interest; said bonds not to be in smaller denominations than one hundred dollars each, redeemable and payable at such times and place as may be agreed upon.

§ 21. Any corporated city or town through or near which said road may be located may subscribe or donate to the capital stock of said company, upon application to the incorporate authorities thereof by the company. Before the incorporate authorities shall subscribe or donate to the capital stock of said company, they shall submit the proposition to an election of the voters of said city or town, ten days' notice being given (which notice shall state the amount asked). Said election shall be held in manner and form as other municipal elections; and should the majority of the qualified voters of such town or city polled at such an election be in favor of such subscription or donation, the mayor of said city or town, or the chairman of the board of trustees, shall prescribe the amount on the books of the company; and the incorporate authorities of said city or town may issue the bonds thereof, to the amount so subscribed, or any part thereof, for the payment of said stock or donations, with the coupons attached for the interest; said interest not to exceed six per cent. per annum; said bonds to be in denominations not less than one

hundred dollars each, and payable or redeemable as may be agreed upon. The tax hereby authorized shall be levied and collected as other taxes in said city or town, and not more than fifty per cent. thereof shall be collected in any one year.

§ 22. That the survey shall be begun within one year after the passage of this act, and that the actual construction of the said railroad be and is commenced within two years from the granting of this charter. And after such commencement of construction, at least ten miles of said road shall be completed within each year until the final completion of same. And a failure to comply with any of the foregoing requirements of this section shall forfeit the right of said company to complete the portion of said road that shall then be uncompleted, or to acquire further right of way for main track. And that no bonds shall be delivered to said railroad company until said company shall have same constructed and in operation, and the cars running thereon to the place of agreement with the county judge of the several counties through which the road may run and the railroad company; also, that the mayor of any city, or the chairman of the board of trustees of any town, may act under the same privileges as the county judge of the counties relative to the delivery of said bonds.

§ 23. This act to take effect and be in force from and after its passage.

Approved March 26, 1888.

CHAPTER 678.

AN ACT for the benefit of the Williamstown graded free school district.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the election held on the second day of July, 1887, for the purposes of taking the sense of the

legal voters residing in the Williamstown graded free school district, in Grant county, on the proposition to vote an annual tax of fifty cents on the one hundred dollars of property within said district, for the organization, equipment and maintenance of a graded free school in said district, and to elect trustees therefor, is hereby ratified and confirmed, and all the acts and doings of the said board of trustees in reference to organizing the said school and levying the said tax, not contrary to the Constitution of this State or of the United States, are also ratified and confirmed,

§ 2. For the more speedy and satisfactory work of providing a suitable house and grounds for the accommodation of said graded free school district, the board of trustees thereof is hereby authorized and empowered to issue and sell the coupon bonds of the said graded free school district, not exceeding in the aggregate the sum of eight thousand (\$8,000) dollars. The said bonds shall be issued in denominations of not less than one hundred nor more than one thousand dollars each, in the discretion of the said trustees; shall run for a period of not exceeding thirty years, but be redeemable at the pleasure of the board; bear interest at a rate not exceeding six per centum per annum, the said interest payable semi-annually at the office of the treasurer of said board. Said bonds shall be made payable to bearer, and pass by sale and delivery; and shall be signed by the president of said board, and attested by the secretary thereof, and may be issued at such times and in such amounts as the necessities of said graded free school district may require; but none of said bonds shall be sold for less than the face par value, and the proceeds of all sales of any of said bonds shall be paid to the treasurer of said board, and shall only be used for the purposes contemplated in this act.

§ 3. After the issue and sale of so many of said bonds as shall be necessary to purchase suitable grounds, and build, furnish and thoroughly equip a

suitable house for the use and accommodation of said graded free school district, the annual tax to be levied thereafter shall only be for a sum sufficient to pay the estimated legitimate expenses of running said graded free school, and pay the interest on said bonds; and any surplus revenue left on hand at the end of any year shall go to create and build up a sinking fund for the purchase and retirement of said bonds.

§ 4. The county superintendent of common schools for Grant county, and the trustees of the Williamstown graded free school district, are hereby authorized and empowered to make more definite and certain the boundary of said graded free school district, and when so made certain and definite, the same shall be recorded in the office of the said county superintendent, and also in the minute-book kept by said trustees.

§ 5. This act shall take effect and be in force from and after its passage.

Approved March 26, 1888.

CHAPTER 679.

AN ACT to repeal an act, entitled "An act fixing the compensation of the railroad tax collector of Marion county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act fixing the compensation of the railroad tax collector of Marion county" be, and is hereby, repealed.

§ 2. This act shall take effect from and after its passage.

Approved March 26, 1888.

CHAPTER 680.

AN ACT to amend an act incorporating the Lancaster City Hall Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section 10 of an act, entitled "An act to incorporate the Lancaster City Hall Association," approved March 9, 1867, and amended March 2, 1880, be, and the same is hereby, amended as follows: That the trustees of the town of Lancaster (Garrard county, Kentucky), a majority of them concurring therein, may issue a sufficient number of bonds, and no more, to exchange for the outstanding bonds issued under said amended act, which shall be in such amounts as said trustees may desire, payable in five years from the date, and bearing interest from date until paid. Said bonds shall not be sold for less than their par value, or they may be exchanged at par for the outstanding bonds; if sold, the money realized therefrom shall be applied in paying off and canceling the outstanding bonds. Said trustees shall have the right to pay off all or any portion of said bonds at any time before maturity.

§ 2. This act shall be in force from its passage.

Approved March 26, 1888.

CHAPTER 681.

AN ACT to amend an act, entitled "An act to re-incorporate the town of Monterey, in Owen county," approved February 28, 1874.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section 11 of an act, entitled "An act to re-incorporate the town of Monterey, in Owen county," approved February 23, 1874, be so amended as

to provide that the police judge of said town be, and he is hereby, authorized and empowered to hold his court for the trial of civil actions and proceedings on the second Thursday of each month.

§ 2. All acts inconsistent herewith are hereby repealed.

§ 3. This act shall take effect from its passage.

Approved March 26, 1888.

CHAPTER 682.

AN ACT to change the line between the Hardinsburg and Rough creek magisterial district, in Breckinridge county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the line between the Hardinsburg and Rough creek magisterial district be so changed as to include George E. Lewis and W. W. Brown in the Hardinsburg district.

§ 2. This act to take effect from its passage.

Approved March 26, 1888.

CHAPTER 683.

AN ACT for the benefit of B. F. Reeks, of Daviess county.

WHEREAS, B. F. Reeks was, by the judgment of the McLean county court, granted a license to keep a tavern at Beech Grove, in McLean county, Kentucky, with the privilege of selling vinous, malt and spirituous liquors by retail, on the sixth December, 1886, and paid to the clerk of said court the tax required by law, viz., one hundred and fifty dollars, and two dollars and fifty cents clerk's fees; and on appeal by the Commonwealth to the McLean circuit court said order and judgment of the McLean county court granting.

said license was set aside and held for naught on the twenty-ninth December, 1886; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts draw his warrant upon the Treasurer of this State in favor of B. F. Reeks for one hundred and fifty dollars, which shall be paid out of any funds in the Treasury not otherwise appropriated.

§ 2. This act shall take effect from its passage.

[Became a law without approval of Governor March 24, 1888.]

CHAPTER 684.

AN ACT for the benefit of T. L. Rawlins, of Clay county.

WHEREAS, Daniel Gray, being charged with murder in the Clay circuit court, at its October term, 1886, and it having been shown in open court that two of his most important witnesses were sick and unable to testify in said court, as they lived a distance of fifteen miles from the county seat of Clay county. But by an agreement of the Commonwealth attorney and the attorneys for the defendant, the court appointed T. L. Rawlins, an examiner of Clay county, to go, in company with an attorney for the defendant, and also an attorney appointed by the court, to act for the Commonwealth, viz: George W. Baker, and take the depositions of the defendant's witnesses, which were read before the jury as testimony for the defendant. The defendant is now serving a life-time sentence in the State penitentiary, and was, at the time of his conviction, hopelessly insolvent, and had no property out of which the examiner could collect his fee for said service; and whereas, the action of the court in appointing said Rawlins to take said deposition enabled the court to try the case at that term, thereby saved the State the cost of continuing said case for another

term, and the expenditure of a considerable amount of money to pay a number of witnesses who were summoned on behalf of the Commonwealth; therefore

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasury in favor of said T. L. Rawlins for eleven dollars and fifty cents, payable out of any money in the Treasury not otherwise appropriated.

§ 2. And this act shall take effect from and after its passage.

Approved March 26, 1888.

CHAPTER 685.

AN ACT authorizing a division of school district number (48) forty-three, in Graves county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the county superintendent of Graves county be, and he is hereby, authorized to divide common school district number forty-three, in said county, or alter or change the present boundary lines of said district, so as to add to or decrease the territory now embraced in said district at any time when the public interest or the cause of education therein shall demand it: *Provided*, That no such division of said district number forty-three, nor alteration or change of boundary lines, nor any addition to or decrease of the territory of said district, shall be made to take effect during any school year, unless same be made before taking the census for such school year, and not then without the consent and concurrence of a majority of the members of the board of trustees of said district.

§ 2. All acts or parts of acts in conflict herewith are hereby repealed.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 26, 1888.

CHAPTER 686.

AN ACT to amend the charter of the town of Glasgow.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 14 of article 5 of an act, entitled "An act to incorporate the town of Glasgow, and repeal the present charter of the city of Glasgow," approved April 7, 1882, be, and the same is hereby, amended as follows: That in lieu of the words "two years next preceding his election," occurring in said section, there be substituted therefor the words "one year next preceding his election."

§ 2. This act shall take effect from its passage.

Approved March 26, 1888.

CHAPTER 687.

AN ACT for the benefit of Capital Lodge No. 6, I. O. O. F.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the corporate committee of Capital Lodge No. 6, I. O. O. F., be, and it is hereby, authorized and empowered to take in all bonds heretofore issued for the benefit of said lodge, and to issue in lieu thereof new bonds of equal amounts and similar character, with coupons thereunto attached, bearing interest at the rate of not more than six per cent. per annum, payable on the first day of April, 1898.

§ 2. This act shall take effect from and after its passage.

Approved March 26, 1888.

CHAPTER 688.

AN ACT to repeal an act, entitled "An act to amend an act to incorporate the town of Providence, in Webster county," approved March 18, 1886.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to amend an act, entitled 'An act to incorporate the town of Providence, in Webster county,' " approved March 18, 1886, be amended by striking out section 1 of same, and inserting in lieu thereof the following, viz: That hereafter the corporate boundaries of the town of Providence, in Webster county, shall be as follows, viz: Beginning at W. S. Coleman's residence, so as to include it; thence to J. R. Mitton's residence, including it; thence to the Jeff. Hudson place, including it; thence to J. C. Tapp's residence, including it; thence to the Big Hill Cemetery, including it; thence to Mrs. McKinstry's residence, including it; thence to John Wilson's residence, south of the railroad, including it; thence to Wm. M. Wilson's residence, including it; thence to Ship Hicks' residence, including it; thence to the beginning.

§ 2. On the first Monday in August, 1888, the question as to whether or not this act shall take effect shall be submitted to the qualified voters residing within the boundary described in the first section of this act. The board of trustees of said town shall give ten days' notice of said election by posters, and appoint a clerk, sheriff and a judge to hold same. They shall open a poll-book with two columns, one headed "For the new boundary," and the other "Against the new boundary." The votes shall be properly recorded as cast; and if a majority of the votes cast be in favor of the new boundary, then this act shall, in all its parts, take effect from the time the said board of trustees shall certify that fact.

The poll-books shall be delivered to the chairman of the board of trustees, who shall, as soon as convenient, call a meeting of same, and they shall compare the vote, and certify the result, and spread such certificate on their records. If, however, a majority of the votes cast shall be against the new boundary, then this act shall only take effect in so far as it repeals the first section of the act to which this is an amendment; and in that case the boundary of said town shall be as it was immediately prior to said act approved May 18, 1886.

§ 3. This act shall take effect from its passage, so far as it authorizes the holding of said election, the comparing of the vote, and certifying of the result.

Approved March 26, 1888.

CHAPTER 689.

AN ACT to regulate primary elections in the county of Franklin, and to punish bribery and illegal voting at such elections.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Who may not
vote.

§ 1. That whenever a primary election shall be held in Franklin county, pursuant to a call of the county committee of any political party, for the election of a candidate for any State or county offices in said county, no person shall be entitled to vote at such election unless he shall be a member of that political party in the interest of which such election shall be called and held; and any person so voting in violation of this section shall, upon conviction thereof in the circuit court of said county, be

Penalty.

§ 2. Any person who shall vote at any such election before he has resided two years in the State,

Residence.

or in the county and precinct where such election is held the time required by the general laws of this State, or who shall not, before he has attained full age, or before he has been fully naturalized, shall be fined from fifty to one hundred dollars, or imprisoned in the county jail from ten to fifty days, or both so fined and imprisoned in the discretion of the jury. Penalty.

§ 3. Any person who shall vote more than once at any such election, or who shall vote by means of a false personation or the use of the naturalization papers of another person, dead or living, and any person who shall lend or hire his or another's naturalization papers to be used for such purpose, shall [be fined] not less than twenty nor more than one hundred dollars, and imprisoned not less than ten or more than fifty days in the discretion of the jury. Voting more than once. Other improper and illegal practices. Penalty.

§ 4. Any person who shall receive a bribe for his vote, or for his services or influence in procuring a vote or votes, at any such election, shall be fined from fifty to two hundred dollars, or imprisoned from one to six months in the county jail in the discretion of the jury. Bribe and bribery, as used in this act, means any reward, benefit or advantage, present or future, to the party influenced or intended to be influenced, or to another at his instance, or the promise of such reward, benefit or advantage; and any person receiving any money or other thing of value, to be used for the purpose of procuring or influencing a vote or votes, shall be deemed to have been bribed. Receiving bribe. Bribe and bribery defined.

§ 5. Whoever shall bribe another in such election shall, on conviction, be fined from fifty to five hundred dollars, and imprisoned in the county jail in the discretion of the jury. Giving bribes.

§ 6. Whoever shall corruptly approach another by the use of money, whisky, or other thing, and attempt thereby to influence his vote in such election, shall be deemed guilty of an assault with intent to bribe, and, upon conviction, shall be fined not less Corruptly approaching another.

than fifty nor more than five hundred dollars, and imprisonment in the county jail in the discretion of the jury. Whoever, being a clerk or judge of said election, or a member of a committee to compare and count the votes and declare the result, shall knowingly receive or record the vote of any person not authorized to vote as provided by this act, or shall knowingly give a false certificate of the result of said election, or shall knowingly and fraudulently alter or change the names of the voters in said election, shall be deemed guilty of forgery, and confined in the penitentiary not less than one nor more than five years.

This act to be
given in charge
to grand jury.

§ 7. It shall be the duty of the judge of the Franklin circuit court to especially give this act in charge to the grand jury. In any prosecution under this act it shall be no exemption for a witness that his testimony may criminate himself; but no such testimony given by the witness shall be used against him in any prosecution except for perjury.

§ 8. This act shall take effect from its passage.

Approved March 28, 1888.

CHAPTER 890.

AN ACT to incorporate the Bourbon Trotting Club.

Corporators.

WHEREAS, James E. Clay, James Miller, T. E. Moore, Joseph M. Hall, E. O. Fretwell, Claude M. Thomas, J. A. Lyle, J. T. Quisenberry, George B. Alexander, Russell Mann, John B. Northcott, W. R. Thomas, Daniel Turney, Douglas Thomas, J. T. McMillan, W. H. Kerr, F. G. Hill, G. G. White, and their associates, have united themselves and formed an association for the purpose of the improvement of the breed of horses; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the above named eighteen members of said association and their successors be incorporated, and they are hereby created a body-politic and corporate, under the name and style of "The Bourbon Trotting Club;" and by that name shall have perpetual succession, with all the powers incident to corporations for limited purposes. Name.

§ 2. That all the property owned and moneys held by said association shall be, and is hereby, vested in said corporation; and that said corporation shall be, and is hereby, authorized to acquire, either by purchase, gift or lease, such real estate as may be necessary for the purposes of said corporation, not to exceed at any one time two hundred acres, and acquire and hold personal estate: *Provided*, The same shall not, at any one time, exceed fifty thousand dollars in value; and may sell, alien and convey said real and personal estate in manner and form as may be directed by the rules and by-laws hereinafter provided for. May acquire real estate. May acquire personal property.

§ 3. That the shareholders of said corporation shall have power to elect such officers as may seem to them necessary for the management of their business, and by rules and by-laws to prescribe the duties of said officers and provide for the regulation of their concerns. Powers.

§ 4. The capital stock of said corporation shall consist of one thousand shares, at par value of twenty-five dollars; but the number of said shares may be increased whenever it may appear necessary to the interests of said corporation: *Provided, however*, That the capital stock of said corporation shall not exceed at its par value the sum of one hundred thousand dollars. The association may select the persons desiring to purchase shares of stock therein, and may, at their option, reject such applicants for membership as may not be deemed proper persons to aid in the improvement of the breed of horses, and may expel Capital stock.

any member: *Provided, however,* When any member shall be expelled, the association shall pay to him the market value of his share or shares of stock at the time of said expulsion, and the title to said share or shares shall thereby vest in said association.

Shares personal
property.

§ 5. That the shares of said corporation shall be deemed personal estate, and shall be transferable in such manner and subject to such limitations as said corporation shall, by its rules and by-laws, prescribe.

When unpaid
subscriptions
due.

§ 6. That such portions of the amounts heretofore subscribed by the members of said association as have not been paid into said association shall become due and payable at such times and in such amounts as said corporation may hereafter, in its rules and by-laws, prescribe.

Pool selling.

§ 7. That the right is granted to the association to allow pools to be sold during the meetings on the grounds, and also at one place in the city of Paris; said place to be designated by the directors.

§ 8. That the officers of said corporation shall have the power to appoint such number of special police as shall to them seem necessary for the purpose of preserving order and enforcing the rules of said corporation during such public exhibitions as said corporation may hold. Such special police shall be paid by said corporation, and shall, during said exhibitions, have all the powers of constables to preserve order and enforce the rules of the association upon the grounds whereon said exhibitions may be held, and to make arrests for any breaches of the peace or violations of the laws of the Commonwealth, and of the ordinances of any city within the limits of which such violations shall occur, committed within one-fourth of a mile of said grounds.

§ 9. This act shall take effect and be in force from and after its passage.

Approved March '26, 1888.

CHAPTER 691.

AN ACT to amend an act, entitled "An act to incorporate the Bowling Green and Northern Railroad Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 2 of an act, entitled "An act to incorporate the Bowling Green and Northern Railroad Company," approved March 31, 1886, be, and the same is hereby, repealed and stricken from said act, and the following is enacted and incorporated in said act as section 2: The capital stock of said company shall be two million dollars, divided into shares of one hundred dollars each, and individuals, railway companies, and other corporations and counties, may subscribe for and hold stock in said company. The said capital stock may at any time be increased, by a vote of the majority in interest of the stockholders, to any sum not exceeding five million of dollars.

§ 2. That section 3 of the act to which this is an amendment be stricken out, and the following is enacted in lieu of said section 3, to wit: The corporators named in the first section of this act, or such of them as may choose to act, may open books at such places as they deem best for subscription of stock in said company; and when as much as two hundred shares of stock are subscribed, said corporators, who may have acted in opening books and taking subscriptions of stock, shall give reasonable notice, and assemble the stockholders at some convenient place in Bowling Green, Kentucky; and said stockholders, from among themselves, shall elect not less than five nor more than nine directors; said directors, when elected, shall, from their own number, choose a president; and said board of directors may appoint such other officers and agents as they may think proper. They shall have power to adopt such by-laws for the government of the company, its officers, agents and

any member: *Provided, however,* When any member shall be expelled, the association shall pay to him the market value of his share or shares of stock at the time of said expulsion, and the title to said share or shares shall thereby vest in said association.

Shares personal
property.

§ 5. That the shares of said corporation shall be deemed personal estate, and shall be transferable in such manner and subject to such limitations as said corporation shall, by its rules and by-laws, prescribe.

When unpaid
subscriptions
due.

§ 6. That such portions of the amounts heretofore subscribed by the members of said association as have not been paid into said association shall become due and payable at such times and in such amounts as said corporation may hereafter, in its rules and by-laws, prescribe.

Pool selling.

§ 7. That the right is granted to the association to allow pools to be sold during the meetings on the grounds, and also at one place in the city of Paris; said place to be designated by the directors.

§ 8. That the officers of said corporation shall have the power to appoint such number of special police as shall to them seem necessary for the purpose of preserving order and enforcing the rules of said corporation during such public exhibitions as said corporation may hold. Such special police shall be paid by said corporation, and shall, during said exhibitions, have all the powers of constables to preserve order and enforce the rules of the association upon the grounds whereon said exhibitions may be held, and to make arrests for any breaches of the peace or violations of the laws of the Commonwealth, and of the ordinances of any city within the limits of which such violations shall occur, committed within one-fourth of a mile of said grounds.

§ 9. This act shall take effect and be in force from and after its passage.

Approved March '26, 1888.

CHAPTER 691.

AN ACT to amend an act, entitled "An act to incorporate the Bowling Green and Northern Railroad Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 2 of an act, entitled "An act to incorporate the Bowling Green and Northern Railroad Company," approved March 31, 1886, be, and the same is hereby, repealed and stricken from said act, and the following is enacted and incorporated in said act as section 2: The capital stock of said company shall be two million dollars, divided into shares of one hundred dollars each, and individuals, railway companies, and other corporations and counties, may subscribe for and hold stock in said company. The said capital stock may at any time be increased, by a vote of the majority in interest of the stockholders, to any sum not exceeding five million of dollars.

§ 2. That section 3 of the act to which this is an amendment be stricken out, and the following is enacted in lieu of said section 3, to wit: The corporators named in the first section of this act, or such of them as may choose to act, may open books at such places as they deem best for subscription of stock in said company; and when as much as two hundred shares of stock are subscribed, said corporators, who may have acted in opening books and taking subscriptions of stock, shall give reasonable notice, and assemble the stockholders at some convenient place in Bowling Green, Kentucky; and said stockholders, from among themselves, shall elect not less than five nor more than nine directors; said directors, when elected, shall, from their own number, choose a president; and said board of directors may appoint such other officers and agents as they may think proper. They shall have power to adopt such by-laws for the government of the company, its officers, agents and

employees, in the general conduct and management of the affairs and business of the company as may be needful and proper, which may be altered, amended or repealed at the will of a majority of the board of directors. The board of directors first chosen shall hold their offices until the regular annual election, the date of which shall be fixed by the board.

§ 3. Subscriptions for the stock of said company may be paid for in money, work, property, real or personal, material, or in such kind or manner as may be agreed upon by the subscribers and said company.

§ 4. This act shall take effect and be in force from and after its passage.

Approved March 26, 1888.

CHAPTER 692.

AN ACT to incorporate the Merchants' Deposit Bank of Central City.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Capital stock. Shares.	§ 1. That there is hereby established a bank of deposit in the town of Central City, with a capital stock of twenty-five thousand dollars, divided into shares of one hundred dollars each, to be subscribed and paid for as hereinafter provided ; and the subscribers, their associates, successors and assigns, shall be a body-politic and corporate, by the name and style of the
Corporate name.	Merchants' Deposit Bank, and shall so continue for twenty-five years from and after the passage of this
Corporate powers.	act ; and shall be capable of contracting and being contracted with, of suing and being sued, of impleading and being impleaded, of answering and being answered, of defending and being defended, in all courts and places whatever ; they may have a common seal, and alter and change the same at pleasure.
Business.	They shall have power to receive gold, silver and bank notes, and other circulation or currency on de-

posit, and pay and loan the same; to buy and sell drafts, notes, bill of exchanges, bonds and stocks; and all notes made negotiable and payable at said bank, or at any bank or banking house organized under the laws of this State or the United States, and discontinued or purchased by said bank, shall be, and they are hereby, put upon footing of foreign bills of exchanges; like remedy may be had thereon, jointly and severally, against the acceptors, drawers and indorsers, and with like effect except as to damages; and they may allow interest on the deposit at a rate not exceeding six per cent. per annum, and allow depositors to share in the profits of said bank in such manner and on such terms as may be prescribed by the by-laws of said bank.

§ 2. The said corporation may acquire, hold and possess, use, occupy and enjoy, all such real estate, goods and chattels, as shall be necessary for the transaction of its business, or which may be conveyed to it as surety for any debt, judgment or decree, and sell and convey the same; but real estate taken for debt, or surety therefor, shall not be held longer than five years; and they may have such by-laws for their government as they may deem necessary: *Provided*, The same are not contrary to the Constitution and laws of this State or of the United States.

May hold real and personal estate.

Sell and convey same.

By-laws.

§ 3. Said bank may appoint such officers as may be necessary for conducting its business, who shall be under the direction and control of not less than five nor more than seven directors, each of whom shall be stockholders at least three months previous to their election, and they shall be residents of this State; and after the first election shall be elected annually on the first Monday in May in each year. They shall elect one of their number president, and shall hold regular meetings at such times as may be fixed by the by-laws, and may have other meetings when deemed necessary; and in case of death or resignation of a director, the vacancy shall be filled by the board of

Appoint officers.

Directors.

President.

Dividends. directors. The directors shall have power to declare dividends of the profits arising out of said business, and to fix, allow and to pay the officers, agents and servants such sums, wages, and salaries as they shall think proper and reasonable.

Salaries.

Stock personal property. § 4. The stock shall be deemed personal property, and shall be transferable and assignable according to the by-laws and rules of said bank at the time; and

Lien on stock. said corporation shall have a lien on the stock to secure any indebtedness by the holder of said stock for any unpaid balance on their subscription of stock.

Exemption of stockholders. § 5. That the private property of the individual stockholders shall not be liable for corporate debts.

Commissioners. § 6. W. H. Sandusky and F. A. Sandusky, Ed. Weir, L. McCown and J. H. Reno, of the town of Central City, Kentucky, are hereby appointed commissioners, any three of whom may act, to open books and receive subscription for the capital stock; and when fifty shares shall have been subscribed, it shall be their duty to give notice, in all papers published in Muhlenberg county, for four weeks, and appoint a day for election of a board of directors, who shall hold their offices until the ensuing annual election. The manner of payment for the stock shall be set forth in the articles of subscription. But said corporation shall not begin business until the sum of five thousand dollars shall have been paid in, and the president and directors shall have made oath before a competent officer that they will truly and honestly, to the best of their judgment and ability, conduct the affairs of said bank. The board of directors shall have power by their by-laws to provide for the enforcement of payment or forfeiture of stock subscribed and not paid for, or for any part thereof.

Open books.

How stock paid. § 7. Said bank shall, through its board of directors, have power to require bond from any or all of its officers and employees.

Right to amend reserved. § 8. The Legislature reserves the right to alter, amend, or repeal this act at pleasure, as well as at all

times to examine into the affairs of said corporation by any committee or officer they may appoint.

§ 9. The stock and other property of said bank ^{Taxation.} shall be subject to the same laws of taxation as govern other corporations of the same kind in this Commonwealth.

§ 10. This act shall take effect and be in force from and after its passage.

Approved March 26, 1888.

CHAPTER 693.

AN ACT to incorporate the "Nicholasville Building Association."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the following persons, viz: B. M. Arnett, ^{Corporators.} Al. Sayre, Woods Dickerson, Wm. H. McCarty, Milt. Smith, John O. Price and W. H. Phillips, are hereby incorporated under the name of the Nicholasville ^{Corporate name.} Building Association; and by that name may contract ^{Corporate powers.} and be contracted with, sue and be sued, in all the courts of this Commonwealth; may have a seal, and alter the same at pleasure, and shall have all other lawful powers usual and incident to corporations, and which may be requisite to carry out the objects for which it is created; and may have perpetual succession.

§ 2. The principal object of said corporation shall ^{Objects and powers.} be to aid its members in purchasing and improving real estate; and to this the corporation may acquire and hold real estate, by purchase, gift, devise or otherwise, and may sell, mortgage, lease and convey the same at pleasure. All deeds and mortgages made by the corporation shall be signed and acknowledged by the president.

§ 3. The property and business of the corporation ^{Directors.} shall be under the control of a board of directors,

composed of not less than five and not more than thirteen members, to be elected by the stockholders from their own number. The board of directors shall elect from their number a president and vice-president, and shall appoint a secretary and treasurer, and require from them such bonds for the faithful performance of their duties as the board may deem proper.

President and
vice-president,
etc.

§ 4. The capital stock of said corporation may be any amount not to exceed two hundred thousand dollars, divided in shares of one hundred dollars each, and shall be personal property. Certificates of stock shall be issued by the corporation to the subscribers, which shall be signed by the president and countersigned by the secretary. These certificates shall be assignable, but such transfers shall not be valid as against the corporation until noted on the books of the company. The members, in all corporate elections, shall be entitled to one vote for each share of stock held.

Capital stock.
Shares.
Certificates.

§ 5. Said incorporators shall open books for the subscription of stock, and when one hundred shares or more have been subscribed, they shall call a meeting of the subscribers for the purpose of organizing, and so soon as the corporation is organized, it may commence business. The board may continue to take subscriptions for stock until the entire two thousand shares have been subscribed.

Open books.

§ 6. The corporation shall have the power to make such rules, by-laws and regulations, as the board may deem necessary for the transaction of its business, and may prescribe therein the amount of dues that shall be paid weekly or monthly by each member upon the shares of stock held by him. The stock shall be paid for in weekly or monthly dues or installments, and the corporation shall have a lien upon the stock for any unpaid installments thereon. If the dues or installments upon any share or shares of stock remain unpaid for the space of thirty days, the corporation shall have the power to declare such certifi-

By-laws.

Lien on stock.

cate canceled, and may, after ten days' notice in writing to the holder thereof, sell the same, either at public or private sale, and issue a new certificate to the purchaser, and the amount theretofore paid thereon by the defaulting member may be retained by the corporation to reimburse it for the trouble and expense of the proceeding.

§ 7. The corporation may sell to its members any real estate owned by it, to be paid for upon such terms as may be agreed upon, or it may loan money to its members, to be invested in real estate, the rate of interest not to exceed that allowed by law; and for the security of said loans may retain a lien upon the land so purchased, and as a further security, shall have a lien upon the capital stock held by the debtor; or it may loan its money to its members upon mortgages on real estate, the rate of interest not to exceed that allowed by law. The amount which may be loaned to any one member shall be fixed in the by-laws.

§ 8. The board of directors first elected under this act shall serve until the first Monday in June next succeeding their election, and annually thereafter there shall be an election of directors as above provided. The board is authorized to fill any vacancies that may occur, and may appoint and employ such other officers or agents as may be deemed necessary for the transaction of the business of the corporation.

§ 9. Married women may subscribe for and hold stock in said corporation; and the shares paid for by them out of their own property, money or earnings, shall be their separate estates, free from the debts and control of their husbands.

§ 10. The principal office of said corporation shall be located in Nicholasville, Jessamine county, Kentucky.

§ 11. This act shall take effect from and after its passage.

Approved March 26, 1888.

CHAPTER 694.

AN ACT to amend an act, entitled "An act to incorporate the town of Willisburg, Washington county," approved March 24, 1880.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the names H. S. Merritt and J. A. Miller, in section 1, be stricken out, and the names J. A. Merritt and E. G. Shirley, be inserted in lieu thereof.

§ 2. That the first three lines of section 5 be stricken out, and the following inserted in lieu thereof, viz: "The trustees and police judge of said town shall be elected on the first Saturday in May, 1888, and" —.

§ 3. That section 6 be amended by striking out the words "on the same days," in the third line thereof, and inserting the following, viz: "On the first Saturday in May, 1888, and every two years thereafter."

§ 4. That in case of vacancy by death, resignation, or removal of one of the trustees, the remaining two shall have power to select a person to fill the vacancy, and the trustees herein named shall hold their office until their successors are elected and qualified.

§ 5. This act to take effect from its passage.

Approved March 26, 1888.

CHAPTER 695.

AN ACT to incorporate the North Middletown Fair Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Harry West, Howard Brown, Gates Rice,
Corporators. George Thomas, Thomas West, James Gay and
 Dennis Cason, and their successors, are hereby cre-
 ated a body-corporate and politic, under the name
Corporate name. and style of the "North Middletown Fair Associa-
Corporate pow- tion;" and by that name shall have perpetual succes-
ers. sion, and may contract and be contracted with, sue

and be sued, plead and be impleaded, and have all the powers incident to corporations for limited purposes; may acquire and hold, by purchase or otherwise, any land or lands, not exceeding one hundred acres, and may improve, sell the same, or any parts thereof, at pleasure, and acquire other land or lands, so that at no time shall they hold more than one hundred acres; may acquire the use and occupancy of lands by contract, lease or otherwise, and may acquire and hold and dispose of all such real and personal property, or other estate or property, as the president and directors of the association may deem proper or necessary, and do all other acts that will tend to advance the intention and object of the association; the deed or deeds of the conveyance, in case of sale or sales of real estate, to be signed by the president, or vice-president and the secretary.

§ 2. Said association may have a corporate seal, and may alter or change the same at pleasure.

§ 3. The capital stock of this association shall be Capital stock. one thousand dollars (\$1,000), which may be increased to any sum not exceeding ten thousand dollars (\$10,000), by vote of a majority of the stockholders voting in person or by proxy, at any regular meeting of the shareholders, a quorum being present and voting.

§ 4. The capital stock shall be divided into shares Shares. of ten dollars each, and shall be held to be personal property, and shall be transferable on the books of the company only in such manner as the board of directors may direct.

§ 5. That the share-holders of said corporation shall be entitled to one vote for each share of stock, in all their meetings for the election of officers, or on questions of any nature arising before them; for each share of capital stock, votes may be cast in person or Each share entitled to vote. by proxy. Proxy.

§ 6. That the share-holders of said corporation shall

Officers. have power to elect a president, secretary, and such other officers as may to them seem necessary for the management of their business, and may also elect a

Directors. board of directors, five in number; and by by-laws,

By-laws. rules and regulations, prescribe the powers, duties and obligations of the officers and directors for their terms of office, and all necessary or proper management of the business and affairs of the corporation.

Liability of stockholders. § 7. The private property of the stockholders shall not be liable for any corporate debt or liability.

Directors fix entrance fees, premiums, purses, etc., etc. § 8. The board of directors may fix the amount of entrance fees to the grounds, premiums or purses, percentage for entrance into any contest of speed or endurance, and make all prudential rules, not inconsistent with the laws of this Commonwealth, for the prosperity, good management and conduct of the business of the association; but any such rule or rules may be changed or abrogated by a majority of the stockholders at any regular meeting.

§ 9. This act shall take effect and be in force from and after its passage.

Approved March 26, 1888.

CHAPTER 697.

AN ACT to incorporate the Kentucky Rock Gas Company.

WHEREAS, The finding of natural gas, and bringing it into use in this Commonwealth for heating and illuminating purposes, would be of great public as well as private benefit, by the cheapening of both fuel and light; and whereas, the three incorporators hereinafter named have expended considerable sums of money, and devoted much time and labor in securing lands and boring wells to obtain natural gas; and whereas, said incorporators are now in good faith using their private means and best endeavors to secure natural gas in quantities sufficient to meet the public

wants, as well as their private necessities, in manufacturing, refining, utilizing and vending the crude, solid and liquid substances they may obtain by boring, digging, mining, quarrying and excavation ; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That William J. McConathy, William J. Davis and R. T. Durrett, their successors and assigns, are hereby created a corporation, by the name of the Kentucky Rock Gas Company ; and by said name shall have perpetual succession, with the right to make contracts, to bring suits, to acquire, hold and convey real, personal and mixed property, to conduct business, to have a seal, alterable at pleasure, and to make and enforce by-laws, rules and regulations, for the government of its officers and employes, and the management and care of its property and affairs, not inconsistent with the Constitution and laws of Kentucky and those of the United States.

Names of incorporators.

§ 2. The capital stock of said corporation shall be one million (\$1,000,000) dollars, divided into ten thousand shares of one hundred (\$100) dollars each, and said stock may be increased to any sum not exceeding another million, by the stockholders owning a majority of the first million, should the enlarged business and necessities of the corporation at any time require it. Said stock shall be personal property ; shall be subscribed and paid for as may be agreed between the subscribers and directors ; shall be transferable only on the books of the corporation by the owner in person or by attorney, in conformity to the by-laws of the corporation regulating transfers ; and the corporation shall have a first lien thereon for any unpaid balances or dues from the owners to the corporation for stock subscribed. For the purpose of acquiring by purchase, lease, or otherwise, lands and property on which to bore, dig, mine, quarry and excavate for natural gas, salt water, petroleum, clay, sand, stone,

Capital stock.

Personal property.

Purchase, lease.

coal, iron, lead, cement and other substances usually found beneath the surface, and to pay for services in acquiring such lands, leases and property, and for outlays and expenses in developing such lands, leases and property, and utilizing their products. The directors may issue and deliver, as full paid and non-assessable, so many shares of said stock as they may deem just and proper, and the stock so issued and delivered shall be as valid as if first sold for money, and the proceeds thereof invested in these things. The private property of the owners of said stock shall be exempt from the debts and liabilities of said corporation. Each share of said stock shall entitle the owner to one vote on all questions in meetings of the stockholders, and may be voted either in person or by proxy.

§ 3. So soon as practicable after this act becomes a law, the three incorporators herein named shall meet in the city of Louisville, where the principal office of said corporation shall be established, and open books of subscription for said capital stock; and when one hundred shares or more are subscribed, to be paid for in such installments and at such times, or in such ways, as the directors may fix, said incorporators shall call the stockholders together at some suitable place in Louisville for the purpose of electing directors, and the directors elected at such meeting shall be authorized to begin operations under this act.

§ 4. The property, business and affairs of said corporation shall be controlled, managed and conducted by a board of directors, to consist of not less than three nor more than nine members, who shall be annually elected by the stockholders owning a majority of the capital stock, and who shall hold office for one year, and until their successors are elected. The annual meetings of the stockholders for the election of directors shall be held at the office of the corporation in Louisville, Kentucky, on the second Monday in January of each year; but as this date has already

expired for the present year, the first board of directors shall be elected at the first meeting of the stockholders, to be called by the incorporators as aforesaid, and the directors so elected shall hold their office until the second Monday in January, 1889, and until their successors are elected. When the stockholders elect the board of directors they shall determine, by resolution, the number of members to constitute the board. If the number so fixed by resolution be three, two of them shall constitute a quorum for the transaction of business; if five, three; if seven, four; and if nine, five shall constitute a quorum. The board of directors are hereby empowered to make and enforce all necessary by-laws, rules and regulations, for the management and care of the property and affairs of the corporation, and the conduct and duties and responsibilities of its officers and employes; to create and fill any additional offices deemed necessary to the business of the corporation, and to fill any vacancy that may occur in their own number. All meetings of the board of directors shall be called by the president; and in his absence or disability, by the vice-president, and in the absence or disability of both president and vice-president, by the secretary or any member of the board. The secretary shall keep a record of the proceedings of the meetings of the directors, and in his absence or disability, a secretary *pro tem.* shall be appointed by the directors to perform his duties.

Term of office of directors.

Quorum.

Fill vacancy.

Meetings called by president.

§ 5. The officers of said corporation shall be a president, vice-president, secretary and treasurer, and such other officers as may from time to time be created by the board of directors, to meet any wants of the corporation not now apparent. In lieu of the treasurer, the board of directors may select a solvent and well managed bank in the city of Louisville, where the funds of the corporation shall be deposited as received, and from which they shall be withdrawn only by authority of the board of directors on the check of the corporation, signed by the president and coun-

Officers.

Select bank for funds of corporation.

By-laws.

tersigned by the secretary. The powers, duties, responsibilities and compensation of all the officers and employes of the corporation shall be prescribed and regulated by by-laws enacted by the board of directors. The president shall be the official head and executive officer of the corporation; shall sign and affix the corporate seal to all contracts, obligations and papers requiring the signature of the corporation, and preside at all meetings of the directors. In the absence or disability of the president, the vice-president shall perform his duties and act in his stead; and in the absence or disability of both the president and vice-president, a president, *pro tem.* may be appointed by the board of directors to perform the president's duties.

Object of incorporating.

§ 6. Said corporation is hereby authorized to purchase, lease, acquire, use, transfer and hold lands and property for the purpose of obtaining, using, vending and utilizing natural gas, salt water, petroleum, clay, sand, stone, cement, coal, iron, lead and other substances; to bore, dig, mine, quarry and excavate upon said lands and property for any and all of said substances; to erect and operate upon said lands and property, manufactories, warehouses, shops, tanks, reservoirs, furnaces, and necessary machinery, buildings and works for the purpose of obtaining, using, selling, utilizing and rendering profitable, by use or sale, all or any of said substances; and to lay pipes and conduits, and make roads and ways upon said lands and property for the purpose of conveying and moving said substances from one part of said lands and property to other parts thereof. And to the end that said corporation may carry and conduct natural gas, salt water, petroleum or other fluid substances from the lands and property it may own or control, to any of the cities and towns, or manufacturing and business places of this Commonwealth wanting the same, and assenting to their introduction on terms and conditions to be agreed upon, and there

use, sell and dispose of the same, said corporation is hereby empowered to acquire, after paying a reasonable compensation therefor, the use of any land it may need to lay its pipes and conduits to convey natural gas, salt water, petroleum or other fluid substances from its lands and property to any cities, towns, manufacturing and business places in this Commonwealth wanting the same, and assenting to their introduction and use, by writ of *ad quod damnum*, as provided for in article 2 of chapter 96 of the General Statutes of Kentucky.

§ 7. Said corporation is hereby authorized to borrow money and issue its coupon bonds therefor to an amount not to exceed one-half of its capital stock, said bonds to be of the denomination of not less than one hundred (\$100) dollars nor more than one thousand (\$1,000) dollars each, to bear interest at the rate of six per cent. (6) per annum, payable semi-annually, and the principal to become due and payable in not more than thirty years from the date of issue. To secure the payment of the principal and interest of any such bonds as may be issued, said corporation is hereby authorized to mortgage its lands, leases, property, franchises, privileges, and rights, and to establish a sinking fund to liquidate the debt at or before maturity. Should any such bonds be issued, the time they have to run, the denomination of each, the place of payment, and all necessary details, shall be fixed by by-law enacted by the board of directors before the issue.

§ 8. This act shall take effect from its passage, and continue in force for thirty years.

Approved March 26, 1888.

CHAPTER 698.

AN ACT to establish a system of public schools in the town of Madisonville for colored children of said town.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Boundary. § 1. That all the territory embraced in the area of one mile each direction, east, west, north and south, from the center-stone in the town of Madisonville, in Hopkins county, the same forming a square two miles each way, be, and is hereby, incorporated as a school district, which shall be under the control and management of a board of trustees, elected by the colored voters of said district, as hereinafter provided.

Trustees. § 2. The persons so elected shall be styled the Board of Trustees of the Madisonville Colored Public School, and shall be a body-politic and corporate, capable in law of suing and being sued, contracting and being contracted with, buying, selling and conveying real and personal estate, and shall have the right to receive donations, and the title of all public school property that said board shall acquire in said district, and such title shall vest in said board and their successors forever.

Board of trustees § 3. The number of trustees of said district shall be five, to be elected on the second Saturday in May, biennially. But the trustees appointed under this act shall hold their office until the second Saturday in May, 1890, or until their successors are elected and qualified. A majority of said board shall constitute a quorum for the transaction of business ; and in the event of the death or resignation of any of said trustees, or if, from any cause, there should be a vacancy, the other members of the board shall fill said vacancy by the appointment of some suitable and qualified person. The said trustees to qualify the second Monday after their election, before the police judge of the

Number of trustees.

town of Madisonville, or some justice of the peace of Hopkins county.

§ 4. The said board of trustees shall have power to Power of trustees fix the time and place of meeting, to make all by-laws and rules for the government of themselves and appointees, and for the management, control and government of the public schools for colored pupils; and shall cause to be kept a correct journal of their proceedings, which shall be at all times open to the inspection of all persons interested in the school.

§ 5. The board shall appoint one of its members Appoint chairman. chairman, who shall preside at all meetings, and perform such other duties as may devolve upon him. He will appoint a secretary, and the board shall fix his compensation.

§ 6. The board of trustees shall appoint all teachers Teachers. and other persons necessary to carry on said school, and shall prescribe all rules for its government, and fix the compensation or salaries, and may dismiss or Salaries. suspend any teacher or other person appointed by them; prescribe the branches of education to be taught in the schools, and prescribe the necessary qualifications for, and the mode of examination of, pupils or persons applying for admission into the schools.

§ 7. All colored children between the age of six and Right of children. twenty years within said district shall have equal right of admission to said school, free from all charges for admission or tuition; and it is expressly provided that only colored children shall be admitted to said school.

§ 8. The board of trustees shall, at the end of each scholastic year, make out a report in writing, and have Trustees make report. the same published if they deem it necessary, showing the number of pupils in the school, also all other matter of interest connected with the school or its management.

§ 9. The following named persons are hereby con- Names of trustees. stituted and appointed trustees under this act, viz: John R. Ross, Geo. H. Speed, Alex. Mitcheson,

Ephraim Porter and Ed. Nisbet, with power to fill vacancies as herein provided, and to serve until their successors are elected and qualified.

Election of trustees. § 10. In the election of trustees of the school it shall be the duty of the trustees holding that position to hold said election, and to report the result of the same in writing to the county judge.

Buildings. § 11. For the purpose of providing a school building, grounds and furniture, with other things necessary to the comfortable conduct of the school, the board of councilmen of the town of Madisonville, Kentucky, are hereby authorized and empowered and directed to levy a poll tax, not to exceed two dollars and fifty cents (\$2.50), on each colored male over twenty-one years of age, and also to levy a tax of not exceeding fifty cents on each one hundred dollars' worth of property belonging to the colored people in said district. This tax shall be continued for two years from the time of the ratification of this act by the colored voters of the district. It shall be the duty of the town marshal of the town of Madisonville, Kentucky, or collector of taxes for said town, to collect all taxes authorized to be levied by this act, and he shall be accountable for same on his official bond; and he shall pay same over to the treasurer of the town of Madisonville, which officer shall be responsible on his official bond for same; and said treasurer shall pay out money belonging to the colored school fund, only upon a written order of the chairman of the board of the colored school, signed by two other members with himself.

Collect taxes. Pay taxes to treasurer.

Power of board of council. § 12. The board of council are also empowered and directed, annually, to levy a poll tax, not to exceed two dollars, on the head of each colored male over twenty-one years of age in said district, and also a tax, not to exceed forty-five cents, on each one hundred dollars' worth of property belonging to the colored people in said district, the same to be used for paying the salaries of the teachers and other necessary expenses of

said school ; the money to be collected and disbursed as provided in section 11 of this act. The superintendent of public schools of Hopkins county is hereby directed to pay over to the treasurer of the town of Madisonville all funds that may come to his hands for school purposes of said colored school district ; the treasurer to be responsible on his official bond for same, and see that said money is used only in accordance with the school law of this Commonwealth.

§ 13. This act shall take effect and be in force as soon after its passage as the same shall have been ratified by a majority of all the qualified colored voters resident within said boundary, at an election held for the purpose of taking the sense of said voters upon the subject of said ratification. The election provided for in this section may be held at any time after thirty days from the passage of this act, upon the petition of ten of the colored voters of said district to the county judge, whose duty it shall be to appoint suitable persons to conduct said election. If at said election a majority of those voting should vote against the adoption of this act, then at any time, and as often as may be thought necessary, the same not to exceed twice in the same year, the vote may again be taken.

§ 14. Before any of the elections provided by this act shall be held, it shall be the duty of the clerk of the board of councilmen of the town of Madisonville to advertise the time and place of holding said election and the object of the same by posting in at least three public places in said district written or printed notices of the same.

§ 15. This act shall take effect and be in force from and after its passage.

Approved March 26, 1888.

CHAPTER 699.

AN ACT to incorporate the village of Cote Brillante, in Campbell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Boundary.

§ 1. That the territory in Campbell county, State of Kentucky, included within the following boundaries, to wit: Beginning at a stake, corner to Wm. H. Lape, trustee of Colonel James Taylor, deceased; thence south fifty-two and three-fourth degrees, east thirty-three and one-half poles; thence south seventy-two and three-fourth degrees, east thirty-six poles; thence south eighty-six and one-fourth degrees, east thirty-four and seventy-two one-hundred poles to a stone in the center of a branch of Taylor's creek; thence down said branch of Taylor's creek north fourteen and one-half degrees, east twelve poles; thence north sixty-two degrees, east seventeen and twenty-five one-hundred poles; thence north seventeen and three-fourth degrees, east twenty-two poles; thence with Taylor's line north seventy-three degrees, west fifty-three poles; thence north sixty-five and one-fourth degrees, west twenty-eight poles; thence north fifty-seven and three-fourth degrees, west twenty and four-tenths poles; thence south thirty-one and three-fourth degrees, west fifty-three and thirty-seven one-hundred poles to place of beginning, shall be, and the same is hereby, constituted the corporate limits of the village of Cote Brillante, and the inhabitants thereof are hereby declared and constituted a body-corporate and politic, with perpetual succession, by the name and style of the village of Cote Brillante, and in that name may contract and be contracted with, sue and be sued, and do all things and acts that municipal corporations may lawfully do; and may have, use and alter at pleasure a corporate seal.

§ 2. That the governing power of said village shall Board of trustees be vested in a board of three trustees, who shall be elected annually, on the first Monday in October, from among the inhabitants of said village, qualified by law to vote in county elections in Campbell county, by the inhabitants of said village, also so qualified. Until the first Monday in October, 1888, and until said election shall take place, F. C. Miller, Samuel Bigstaff and Geo. Weidemann shall act as said trustees.

§ 3. That said board shall employ some person to Employ clerk. act as clerk and treasurer of said village, who shall execute a bond to said board, with good sureties, to be approved by them, for the faithful performance of his duties, and said board shall pay him a reasonable compensation for his work. His duty shall be to Keep record of proceedings. keep a full and complete record of the proceedings of said board, to receive and safely keep all moneys coming to said village, and pay out the same, upon the orders of said board, signed by two members thereof, and to keep a full and correct account of all moneys so received and paid out; to make out all tax-bills, and keep a record of same, and to do and perform such other duties as said board may prescribe.

§ 4. Said board shall have power to enact such by- By-laws. laws as they may deem proper for the government of said village, not in conflict with the Constitution or laws of this State or the United States, and may fix a punishment for the violation thereof, at a fine not to exceed one hundred dollars, or imprisonment in any jail in the county not to exceed thirty days, or both such fine and imprisonment; and any justice of the peace of Campbell county shall have jurisdiction to try the offenders for the violation of said by-laws; and all fines collected in such prosecutions shall be paid to said village, and said village shall pay the fees now allowed by law to the county jailer, for keeping persons convicted under said by-laws. Said board shall also have power to elect one or more policemen for a term of two years, who shall have the

village, a reasonable attorney fee, to be fixed by the court.

§ 6. This act shall take effect from and after its passage.

Approved March 26, 1888.

CHAPTER 700.

AN ACT to regulate the sale of spirituous, vinous and malt liquors within the corporate limits of the town of Catlettsburg.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

What sale law-
ful. § 1. That hereafter the sale at retail of spirituous, vinous and malt liquors within the corporate limits of the town of Catlettsburg shall be lawful, when sold as herein allowed, by any person having a license from the board of trustees of said town so to do. A copy of the order granting same shall be the license.

Right to sell,
how obtained. § 2. Before any person shall sell or otherwise dispose of spirituous, vinous or malt liquors, or the mixture of either, within the corporate limits of said town, he shall comply with the existing laws of this Commonwealth; and on presenting to the board of trustees of said town a license from the Boyd county court to sell such liquors by retail, said board of trustees shall grant him a license to sell said liquors within the corporate limits of said town upon his paying the tax and executing the bond herein imposed and provided.

Tax on license § 3. The tax on a license to sell at retail spirituous, vinous and malt liquors, or either thereof, shall be five hundred dollars.

Requirements
for obtaining
license. § 4. Before any person shall sell at retail any of said liquors in said town, he shall execute a bond in the sum of twenty-five hundred dollars, with two or more solvent sureties, to the Commonwealth of Ken-

tucky, conditioned that he shall keep an orderly house, and that he will comply with the general laws of this Commonwealth, and all ordinances of said town of Catlettsburg regulating the sale of spirituous, vinous and malt liquors, or the mixture of either thereof, and that he will not sell said liquors, or any mixture of either thereof, or suffer the same to be done by any employe, to any person to whom the sale thereof is prohibited by said laws or ordinances. That he will not sell, or suffer the same to be done by any employe, such liquors, or the mixture of either thereof, to any person who is in the habit of becoming intoxicated by the use of such liquors, after having received written notice from the father, mother, guardian, wife, sister, brother or child of such person not to do so; and that he will pay to said town and this Commonwealth all fines that may be assessed against him or any of his employes, and to any person above named, such damages as they may have sustained by reason of the sale, gift, or loan by himself, or any employe of his, any of said liquors to any such person in the habit of becoming intoxicated, after notice not to do so, including loss of time and mental suffering occasioned thereby. Said sureties shall be worth in the aggregate not less than twenty-five hundred dollars in real estate, situated in this State and subject to execution. Said bond shall operate as a lien upon such real estate of the principal and his sureties. For any breach of the conditions of said bond, or for the failure of the principal to pay any fine or judgment rendered against him, or for his failure to pay any judgment for damages rendered against him as herein provided, the town of Catlettsburg by the city attorney, or the State of Kentucky by the county or Commonwealth's attorney, or any person to whom he has failed to pay such judgment for damages, may sue upon said bond, and recover such fine or damages, in any court having

jurisdiction, of the persons and amount from the principal and his said sureties, and subject the property owned at the time by the principal and his sureties to its payment. One suit upon such bond shall not be a bar to another; but it may be sued upon from time to time, upon each fine or judgment recovered against the principal for a breach of its conditions, or doing, or suffering to be done, the act which he has therein covenanted to not do or suffer to be done.

Penalty for selling without a license.

§ 5. Any person who shall sell at retail, within the corporate limits of said town, any spirituous, vinous or malt liquors, or the mixture of either thereof, without a license from the board of trustees of said town so to do, shall be fined for each sale one hundred dollars.

Penalty for selling to known inebriate.

§ 6. Any person who shall sell at retail, or lend or give to, or procure for any drunk person, or any person who is in the habit of becoming intoxicated, any spirituous, vinous or malt liquors, or any mixture thereof, in said town, shall be fined therefor one hundred dollars. This, however, shall not apply to the parent, guardian, custodian, or the physician of a minor, who gives his child, ward or patient such liquors as a medicine.

Penalty for allowing drunken persons to remain in room.

§ 7. Any person who shall permit or suffer two or more drunk persons to remain in the room where he sells, or in any room over which he has control in the building in which he exposes such liquors for sale, shall be fined twenty-five dollars for each offense. The penalties imposed by this act may be recovered by warrant in the Catlettsburg police court, or by indictment in the Boyd criminal court, or other courts to which its jurisdiction may be transferred.

Construction of act.

§ 8. This act shall not be construed so as to repeal the general laws in relation to the selling, giving, furnishing to, or procuring spirituous, vinous or malt liquors for a minor.

Prosecutions now pending.

§ 9. This act shall not in anywise affect the prosecutions now pending in any court for a violation of the

laws in relation to the selling, giving, furnishing to, or procuring any of said liquors for another person.

§ 10. All acts in conflict with this act are hereby repealed.

§ 11. This act shall take effect and be in force from its passage.

Approved March 26, 1888.

CHAPTER 701.

AN ACT to incorporate the West Virginia, Pineville and Tennessee Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That P. B. Read, J. J. Ray, J. D. Reed, Wil-
 kins S. Anderson, Jno. M. Tharp, Jas. J. Eakins, Jno.
 H. Whallen, James G. Givens, Thos. Anderson, all of
 Louisville, Kentucky; M. J. Moss, David G. Colson,
 and J. S. Bailey, of Bell and Harlan counties, Ken-
 tucky, and Joseph Kelley and W. G. Colson, of same
 counties and State; and their associates, successors
 and assigns, who may become stockholders, be, and
 they are hereby, created a body-politic and corporate,
 by the name of "The West Virginia, Pineville and
 Tennessee Railroad Company;" and by that name
 shall have perpetual succession, and be capable of
 suing and being sued, pleading and being impleaded,
 defending and being defended, in law and equity, in
 all courts and elsewhere, in like manner and as fully
 as natural persons may be; and said corporation may
 have and use a common seal, and set aside and renew
 or alter the same at pleasure; and by said corporate
 name may contract and be contracted with; and by
 that name shall be, and are hereby, invested with all
 the powers, privileges, and immunities of natural per-
 sons in acquiring and disposing of all real estate which
 it may be needful to acquire or dispose in order to fa-

Incorporators.

Name.

Powers.

cilitate the objects and purposes of this act and of this corporation.

§ 2. The capital stock of said company may be any amount, not exceeding thirty thousand dollars per mile, for each mile of railroad which said company shall build or own in this State or other States, divided into shares of one hundred dollars each, and may be subscribed for, purchased, owned and controlled by individuals in and out of this State, and by railroad companies and other corporations in Kentucky or elsewhere.

§ 3. The corporators named in the first section, or such of them as may act, may open books for subscription to the capital stock of said company, at such times and in such places as they think proper, and give such notice of the times and places of opening the same as they think proper; and when five thousand dollars shall have been subscribed, they may call a meeting of the subscribers, notifying each subscriber of the times and place and object of such meeting, and proceed to organize said company by electing from the subscribers the board of directors, of not less than nine nor more than fifteen in number, who shall elect from their number, or from among the stockholders, a president and a vice-president. The president and directors shall have power to adopt such by-laws and rules for the government of the company, its officers, agents and employes, in the general conduct and management of the affairs and business of the company, as may be needful and proper, and alter, amend or repeal the same at will.

§ 4. The president and directors, or a majority of them, shall have the management of the property, business and affairs of the company, and may appoint all such officers, agents and employes as are necessary, prescribe their duties, fix their compensation, and take from them, or from such of them as they think proper, bond, with surety to be approved by the board of directors, for the faithful perform-

ance of the duties of such officer, agent, or employe; said board of directors, or a majority of them, may delegate to the president the powers to appoint or remove officers, agents and servants, subject to the approval of the board of directors at their first meeting thereafter. Remove.

§ 5. That the first board of directors shall provide Annual election. in the by-laws for an annual election of directors, consisting of not less than nine nor more than fifteen in number, who shall be stockholders of said company, and fix the time and place, and determine the manner of succeeding elections of directors. The directors shall severally hold their office for one year, and until their successors are elected and qualified. Each board of directors may fill any vacancy occurring in their number, and shall choose from their own number, or from among the stockholders, a president and a vice-president. It shall require a majority, including the president, to constitute a quorum of the board of directors for the transaction of business.

§ 6. At the election of directors and all other meetings of stock in said company, each stockholder shall be entitled to one vote for each share of stock standing in his name upon the books of said company, which vote may be cast in person or by written proxy, attested in such manner as may be provided by the by-laws of said company. Provision shall be made in the by-laws for annual meetings of the stockholders and for called meetings. Stock—how voted.

§ 7. It shall be lawful for the president and directors of said company to open stock books for subscription to the capital stock at such times and places, and continue them open for such length of time, as may be deemed necessary; and it shall be lawful for the board of directors to receive subscriptions to said capital stock, payable in contracts, well secured, to build any parts of said road, or any bridge or bridges, or any unnel or tunnels on same, or to perform any work or Subscription books.

furnish any material which may be accepted by the company for the construction of said road; also to receive subscriptions to said capital stock, payable in real estate situated in Kentucky. If said subscription be tendered to and accepted by the board of directors, such real estate to be unincumbered by taxes, liens or otherwise, and to be taken at its cash value, to be assessed at the time by three commissioners on oath, of whom two shall be selected by the company, and one by the person proposing to subscribe. Upon the report of the commissioners, in writing, describing the land by metes and bounds, assessing its cash value, the company may receive the same at such value; and upon receiving a good and sufficient deed, conveying such land in fee-simple to said company, may issue a certificate or certificates of stock therefor.

Real estate.

The real estate thus acquired may be held, used and conveyed by said company as by a natural person: *Provided, however,* That all real estate in the counties through which said railroad passes, and not necessarily required for railroad purposes, shall not be owned or held by said railroad company for a longer or greater period than five years after the completion of said railroad. The capital stock of said company is hereby declared to be personal property, and may be issued, certified, transferred and registered in such manner and at such place as may be ordered and provided by the by-laws of said company.

Capital stock.

Principal place
of business.

§ 8. The principal office of said company shall be located in the city of Pineville. The directors shall have power and authority to locate and establish branch offices or agencies at such other place or places as may, in their judgment, be necessary or proper.

Build road.

§ 9. The said company, the West Virginia, Pineville and Tennessee Railroad Company, shall be, and is hereby, authorized and empowered to locate, construct, build and operate a railroad, with such number of tracks and lines of telegraph and telephone as said

company may deem necessary, and for that purpose shall be entitled to acquire title to a continuous line of one hundred feet in width of land, with such additional ground as may be necessary for the use of said railroad, from a point at or near the mouth of Straight ^{Route.} creek, and opposite or nearly opposite to Pineville, Kentucky; thence along or near Straight creek, passing through Bell, Harlan, Leslie, Perry, Letcher and Pike counties, or such of them as may be best suited as a location, to some point on the State line, at or near the Breaks of the Big Sandy; also from Pineville, Kentucky, through Pine Gap to some terminal point on the Tennessee State line, at or near to the crossing of Yellow creek, with such branches as may be necessary to promote the business of the main road, and to construct, build and furnish said railroad with all necessary side tracks, turn-outs, switches, depots, stations, and all necessary buildings, erections and structures for the convenient working of said railroad and carrying on its business, and with all the rolling stock of every sort and kind, and all other machinery, implements and property the company deem necessary and proper for the proper prosecution of its business; and said company shall have power to operate and maintain the same, and for said purposes said company, in its corporate capacity, is hereby vested with all the powers necessary for purchasing (the right to condemn land for railroad purposes is hereby given said company as provided in chapter 18 B of the General Statutes of Kentucky), acquiring title to, holding, selling and conveying and transferring all real, personal and mixed property said company may deem necessary to the carrying out of the objects of this act, to the same extent as any natural person or persons or any other corporation may exercise such right of acquisition, holding and disposing of his, their or its property.

§ 10. That said company may make contracts with ^{Authority.} any corporation, or person or persons, for construct-

ing or equipping, or for both constructing and equipping said road or branches thereof, or any part of the same, and may pay therefor, in whole or in part, in the stock, bonds or other property of said company: *Provided*, That neither the president or vice-president, nor any of the directors of said company, nor any engineer engaged in the service of the company, shall be or become in any way interested, directly or indirectly, in any contract for the construction or equipping of said road, or any of its branches, or any part thereof. Any interest by said inhibited parties shall be a bar in law and equity to a recovery on such contracts.

Buy other roads. § 11. The said company shall have power to purchase and hold any other railroad in this State or elsewhere, and may subscribe stock to any railroad company in or out of this State, and may agree on terms for consolidating said company with any other railroad company, in or out of this State, upon such conditions as may be agreed upon; and may lease operate any railroad connecting with said railroad or branches, and upon such terms as may be agreed upon between the companies so uniting, connecting or consolidating; or said company may sell or lease said railroad, and for that purpose full power is hereby given to said company to make and execute such contracts as may be proper to effect any such object.

Statement. § 12. That the president and directors of said company shall, at the regular annual meeting of the stockholders, exhibit a distinct and clear statement of the affairs of said company for the preceding year; that at any called meeting of the stockholders of said company, or a majority in value of the whole stock subscribed, may demand and require similar statements from the president and directors, and each statement shall be furnished when so required.

§ 13. That the president, vice-president, and directors of said company, before he or they act as such,

shall swear or affirm (as the case may be) that they Oath.
will well and truly discharge the duties of their respective offices to the best of their skill and judgment.

§ 14. That said company is hereby authorized to Borrow money.
borrow money to complete, equip, furnish, operate, or maintain its said railroad, and to issue bonds at a rate of interest not exceeding six per cent. per annum, with such time to run, not exceeding thirty years, as it may deem proper, and negotiate and dispose of the same as it may deem proper, and to mortgage its corporate property and franchises to secure the same; but it shall not be lawful for said company to issue, discount or dispose of a greater amount of bonds at their face value than thirty thousand dollars per mile of its contemplated road.

§ 15. That it shall be lawful for said company to Real estate.
receive, lease, purchase or otherwise acquire, hold, use and enjoy all such real estate and personal property or mixed property as may be convenient and desirable for constructing, operating or equipping said railroad or its branches, and a line of telegraph or telephone (or both telegraph and telephone) along the same, or that may be conveyed to it in payment of stock subscriptions, or which may be purchased by it, and may bargain, sell and convey the same as a natural person.

§ 16. That it shall be lawful for the corporate Counties or cities
authorities of any incorporated city or town through may take stock.
which said railroad may be located, to grant to said company the right of way through said city or town to construct its said railroad on, upon or under any public street in such city or town, such grant of the right of way to be made upon such terms and conditions as may be agreed upon between said company and the corporate authorities of such city or town.

§ 17. That the board of directors and officers of Establish rates.
said company shall have the power to establish such rates of tolls for the conveyance of persons and property on the said railroad as it may deem proper, sub-

ject to the provisions of section 18 hereof, but not exceeding, however, the rates charged by other similar roads for like services.

§ 18. That the Legislature of Kentucky, in granting this charter, reserves the right by general laws to control and regulate the rates of freight and passenger traffic on the road and branches, to be built under this charter, in common with the other railroads in Kentucky, and to amend this charter upon reasonable notice to the company.

§ 19. The said company shall, within one year, make a preliminary survey of the route; that within two years it shall actually begin work of building and construction; that during each succeeding year it shall complete and operate not less than ten miles of road-way, until the line is completed, or forfeit the charter for the uncompleted portion thereof.

§ 20. That this act shall take effect and be in force, subject to the provisions of section 19, for thirty years from and after its passage, with the privilege of removal, upon such conditions as the Legislature of Kentucky may deem proper.

Approved March 26, 1888.

CHAPTER 702.

AN ACT to authorize the county court of Casey county to levy taxes and issue bonds to raise money to build a court-house in Casey county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That to raise money to build a court-house in Casey county, and to pay the interest and principal of any debt contracted for the same purpose, the county court of said county is hereby authorized to levy an ad valorem tax, not to exceed fifteen cents, on each one hundred dollars of all property subject to State revenue, and continue such tax from year to

year as long as same may be necessary, in addition to the taxes now allowed by law.

§ 2. That said court may cause the bonds of the Issue bonds. county, not to exceed the aggregate sum of fifteen thousand dollars, of such denomination as the court may choose, not less than one hundred dollars each, to be executed (in printed form), under the seal of the county, signed by the presiding judge of the court and countersigned by its clerk, payable when and where the court may elect, with annual interest coupons, at rate not exceeding six per cent. per annum, and to be sold at not less than par, for the said purpose of raising money to build a court-house.

§ 3. That the sheriff or collector of taxes of Casey Sheriff or collector. county, and their sureties, shall be responsible on their bonds for the collection of taxes herein authorized, in the manner they are responsible for the ordinary county levy; shall have and exercise the same powers in the collection thereof as are conferred for collecting the county and State taxes; and shall, under the same penalties, pay over to whom the said court may appoint receiver, and at such times as the court may require.

§ 4. That the court shall designate the county treasurer, Treasurer. or, if there be no such officer, a special treasurer, to receive the funds raised as herein provided, and pay out the same as the court may direct; and such treasurer shall, before receiving any of said moneys, execute a good and sufficient bond, with good surety, approved by said court, for the faithful performance of his duties.

§ 5. That each act of the said county court herein Record. authorized shall be done by an order entered on its records, a majority of all the justices of the county being present and concurring.

§ 6. This act shall take effect from its passage.

Approved March 26, 1888.

CHAPTER 703.

AN ACT to authorize the voters of Bell county to vote as to location of proposed new court-house and jail, and to provide for payment of cost of same.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall be the duty of the Bell county court to order the sheriff of said county to open a poll, at each of the voting precincts of said county, on Monday, the thirtieth day of April, 1888, or as soon thereafter as county court may order, to take the sense of the qualified voters of said county as to whether the proposed new court-house, clerk's offices, jail and jailer's residence shall be located upon the present public square, or at some other place within the present corporate limits of the town of Pineville, to be determined upon as hereinafter provided; and the said county court shall appoint the officers to hold said election, and in making said appointments shall have due regard to the general laws on that subject.

§ 2. That in making out the poll-books for the various precincts for the purpose of taking the vote on said question, the clerk shall prepare one column in which to record the votes of those who are in favor of locating the proposed new public buildings upon the present public square, and one column in which to record the votes of those who are in favor of the location of said proposed new public buildings at some place other than the present public square within the corporate limits of Pineville; and the poll-books shall be delivered by the sheriff to the several clerks of the election. The clerk of said election shall propound to each individual voter voting at said election the following question: "Are you for the location of the proposed new court-house, jail and jailer's residence, upon the present public

square, or at some other place within the corporate limits of Pineville, to be fixed upon hereafter?" If said voter answer that he is in favor of the location of said proposed new public buildings upon the present public square, his vote shall be so recorded, and if he answers that he is in favor of the location of said proposed new public buildings at some other place than the present public square within the corporate limits of Pineville, then his vote shall be so recorded.

§ 3. That the poll-books shall be kept sealed by the clerks of said election, as required of them by the general law upon the subject of election, shall be delivered to the clerk of the county court by the sheriff of said election; and the officers whose duty it is to compare the vote in case of elections shall, on Wednesday after said election, open said poll-books and count and compare the polls and make known the result, in the same manner as is now required by law in the election of county officers.

§ 4. That if a majority of all those voting at said election vote for the location of the proposed new public buildings at some place other than the present public square, within the corporate limits of Pineville, to be fixed upon as hereinafter provided, the proposed new public buildings shall be erected at said place, and the books, papers and records of the county shall be removed there, and the various courts of the county shall be held there, and it shall thereafter be the county seat of said county; and if a majority of those voting at said election vote in favor of the location of the proposed new buildings upon the present public square, the proposed new public buildings may be erected thereon, and it shall remain the county seat of said county.

§ 5. That upon its being ascertained that a majority of those voting at said election have voted for the location of said proposed new public buildings at some place other than the present public

square, within the corporate limits of said town of Pineville, then T. J. Asher, William North, Sr., and J. J. Gibson be, and they are hereby, authorized and empowered to select a suitable place, within the corporate limits of Pineville, for the location of said proposed new public buildings, and they shall report to the county court of said county, giving the metes and bounds of the land selected, and said report shall be filed and recorded in the order-book of said county court.

§ 6. That for the purpose of enabling the Bell county court to raise money to build the said new courthouse and jail in Pineville, in said county, the county court of said county, a majority of the justices of the peace of said county being present and concurring therein, may cause bonds of said county to be issued, not exceeding in the aggregate the sum of twenty-five thousand dollars, of the denominations of not less than one hundred dollars nor more than one thousand dollars, as the said court may order, said bonds to be prepared and executed under the seal of the county court, signed by the presiding judge, and attested by the clerk of said court, payable to the holders thereof at such place and in such time as the court may direct, in not less, however, than five years, nor more than twenty years from the date of said bonds, the interest on said bonds not to exceed the rate of six per cent. per annum, and to be paid semi-annually (said bonds to be redeemable at the pleasure of said court, at any time after the expiration of five years after date). Said bonds shall have interest coupons attached thereto, which shall be signed by the county court clerk, whose duty it shall be to keep a list of all the aforesaid bonds, showing the number, date, amounts, when issued and delivered, to whom delivered, and when due, which list shall be carefully kept by said clerk in his office, or in such other place as the court may order.

§ 7. Said county court shall have full power and

authority to sell and dispose of, and deliver to the purchaser, all or any of the bonds herein provided for, and to provide for the payment of the principal and interest of the same, in such manner and at such times as it may think proper, through or by a commissioner or agent appointed by said court: *Provided*, That before such commissioner or agent shall enter upon the duties of his office, he shall take an oath before the presiding judge of said court to the effect that he will faithfully discharge his duties as such commissioner or agent; and shall also execute a good and sufficient bond before said court, conditioned that he will faithfully discharge his duties, and that he will promptly pay over to the proper person any and all money received by him from the sale of said bonds.

§ 8. The said county court may deliver said bonds to such commissioner or agent, at such times and in such amounts as it may deem proper; and he shall sell and dispose of the same, under the provisions of this act, as the court may direct, and pay over the money arising from the sale of the same to the person appointed by the court to receive the same; such commissioner or agent shall keep an accurate list of the number, date, amount and time when due, to whom sold, and also a list of such bonds as remain unsold; such commissioner or agent shall, from time to time, and whenever ordered by the court, make a full and complete report of his acts to said court, together with said lists of said bonds. Said commissioner or agent, for his services as such, shall receive a commission, to be allowed by the court, of not exceeding the half of one per cent. on the amount realized from the sale of said bonds.

§ 9. Said court shall appoint some suitable person receiver under the provisions of this act, whose duty it shall be to receive and receipt for the money arising from the sale of the bonds herein provided for, and pay the same out by order of the county court, at such times and in such manner as the court may direct.

But before such receiver shall enter upon the discharge of his duties he shall take an oath in open court to the effect that he will faithfully discharge his duty; and he shall also execute a good and sufficient bond before said court, to be approved by said court, conditioned that he will faithfully discharge his duty as receiver as aforesaid; and that he will promptly pay over the money in his hands as such receiver to such person or persons as may be entitled thereto, whenever directed so to do by order of said court. Said receiver, for his services as such, shall receive a commission, to be allowed by said court, of not exceeding the half of one per cent. on the amount that may come to his hands as such receiver.

§ 10. That for the purpose of raising money to pay off the bonds and interest hereby authorized to be issued, the county court of said county, a majority of the justices of the peace of said county being present and concurring therein, may levy an ad valorem tax of not exceeding twenty cents on the one hundred dollars' worth of taxable property in said county per year for such number of years as may be necessary to raise the amount authorized by this act.

§ 11. The tax herein provided for shall be collected by the sheriff of said county at the same time that he collects the State revenue, and shall have like power to enforce the payment of the same. The sheriff shall receive the same compensation for the collection of said tax as he receives for the collection of the State revenue; but before he shall proceed to collect the tax herein provided for, he shall execute bond, with good and sufficient surety, to be approved by the court, the same as other bonds for the collection of public dues.

§ 12. It shall be the duty of the receiver, from time to time, and whenever ordered by the court, to make a full and accurate report of the money that has come to his hands as such receiver, and what money he has

paid out as such receiver, and file his vouchers therefor.

§ 13. It shall be the duty of the clerk of said court to take charge of the bonds executed by the commissioner or agent, receiver and sheriff, and to carefully keep the same in his office, or such other place as the court may require.

§ 14. The county court shall appoint annually a board of three persons, to be known as the sinking fund commissioners of said county, whose duty it shall be to collect and receive from the sheriff of said county annually the amount of the tax levied for the payment of the bonds and interest thereon, as herein authorized, and also such other tax as may be levied to pay off any specified indebtedness of said county for any public improvement out of the funds so coming to their hands. Said commissioners shall off the interest on said bonds or other debts as it becomes due, and any balance remaining in their hands shall be known as the sinking fund of said county, and shall be kept and invested by said board from year to year in such securities as they may think best; or such fund may be used to buy in the said bonds from time to time as they may have opportunity. This fund shall be held sacred for the payment of said bonds, and such other indebtedness as may be specified in the order making the levy.

§ 15. Before said commissioner enter on the discharge of their duties, they shall each take an oath before the county judge to faithfully discharge the duties of their office, and one of their number shall be selected by them as treasurer, who shall have charge of all the funds and property belonging to said fund. He shall execute, before the county judge, good and sufficient bond for the faithful discharge of his duties as such treasurer. He shall pay out the money coming to his hands on the order of the said commissioner. No bonds shall issue under provis-

ions of this act until after election provided for herein.

§ 16. This act shall take effect and be in force from and after its passage.

Approved March 26, 1888.

CHAPTER 704.

AN ACT to provide for the construction and repairs of public roads in Hardin county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Election of road
superintendents. § 1. That at a regular election, to be held on the first Monday in August, 1888, and biennially thereafter, there shall be elected an superintendent of roads in each magisterial district in Hardin county, who shall hold his office for the term of two years, until his successor is duly elected and qualifies.

Take charge of
roads. § 2. He shall take charge of all roads, highways and bridges in his district, including those leading into and through all towns, and cause the same to be kept in as good repair as the prudent use of the funds provided by the act will permit. He may execute all orders of the county court for opening, changing, locating or discontinuing any road or highway in the district. He shall see that all roads, highways and bridges are of the width required by law.

Term. § 3. His term of office shall commence on the first Monday in September after his election, and before entering upon the duties of his office he shall execute a bond in sum of ——— dollars, and take an oath before the Hardin county court that he will faithfully and impartially discharge his said duties.

Court of claims. § 4. The court of claims held in 1888, and each year thereafter, shall levy and assess a poll tax for highway purposes of one dollar on each male person twenty-one years of age and over, except such as the

county court may for sufficient reasons exempt, and regular ordained ministers of the gospel, not following any other occupation or profession, and shall also levy a road tax not exceeding fifteen cents per annum on each one hundred dollars' worth of property liable to taxation for the State or county revenue, as listed by the assessor, which levy shall be certified by the clerk of said county to the sheriff of said county; and the sheriff shall collect said tax as other county levy is now collected, and shall have the same commission therefor. All taxes so collected shall be kept separate for each magisterial district, and to be paid over to the treasurer of Hardin county, to be held by him subject to the requisition of the superintendent of roads in the district where the person who pay it reside, if he has residence in the county, if not, where the most of his land lies. Said sheriff shall be responsible for the faithful discharge of his duty under this act on his bond given for the collection of the county levy.

§ 5. All money collected by the sheriff shall be paid Sheriff's duty. over by said sheriff to the county treasurer the first Monday in May, June, July and August in each year in equal installments. The sheriff shall return his delinquents to the court of claims each year, made out by magisterial districts, and make settlements as other county levy is settled, except this shall be separate and apart from other county levy settlements. The sheriff shall be credited in his settlement by the delinquents that the court of claims may allow him.

§ 6. Said delinquents shall be fined double the Fines. amount of taxes for failing to pay the same; and it shall be the duty of the justices of the peace to take a list of the delinquents of their respective districts, and issue warrants in the name of the Commonwealth against the said delinquents the first term of their courts thereafter; and it shall be the duty of said superintendent of roads to serve the said warrants; and when fines are assessed, the magistrate shall issue

a *capias* against said delinquents for said fine and costs, and if not paid or replevied immediately, said delinquent shall be arrested by the superintendent of the district, and compelled to work out said fines and costs on the roads at the rate of wages of other employes, or to be committed to the county jail and confined therein for a number of days equal to seventy-five cents per day for the fine and costs. This shall not prevent the collection of same by execution, to be issued by said magistrate when called for by said superintendent.

May work out
taxes.

§ 7. The tax-payers may have the right to work out their tax on the road at the same wages of other employes, provided they do so before the sheriff demands the payment of the same.

Put roads in re-
pair.

§ 8. The district superintendent shall, between the last day of April and first of October of each year, first put all the highways of his district in good ordinary repair, and with such other means as may be in treasurer's hands, proceed to do such other work upon such portions of the public roads most traveled, and where it will be of greatest benefit to the public, such as judicious ditching, draining, making fills, grading, building culverts, bridges, and such other work as shall to him seem prudent, and to the best interest of the public; and if the funds of his district are sufficient, may turnpike or gravel any portion of said roads mostly used by the public, and at such places as are hardest to keep in repair; and shall expend all the means applicable to such purposes as hereinbefore stated.

Employ laborers,
etc.

§ 9. It shall be the duty of the superintendent of each district to employ laborers, mechanics and teams at specified wages, such as is usual in his district for such work, at the lowest price he can obtain said hands and teams, and such employes shall work the hours each day.

Keep time.

§ 10. The superintendent shall keep the time of the hands employed by him, and, for cause, may dismiss

any hand; and he shall draw a requisition on the treasurer for labor performed.

§ 11. The superintendent shall, upon entering upon the discharge of his duties, become the custodian of all the tools, material and other property pertaining to roads which have been held by different surveyors in his district, and shall, as far as practicable, collect the same, and provide a suitable place or places for their safe-keeping; and he may, out of the road funds, purchase such other tools or materials as may be necessary for the use of roads in his district; and for all articles so purchased he shall draw his warrant on the treasurer for the same; such tools and material shall be the property of such district; and the superintendent shall be fined fifteen dollars for using, lending or letting any such tools out of his hands for any other purpose than on the roads; and any one who may borrow such tools shall be fined fifteen dollars, recoverable before a justice of the peace; and said fine shall be paid over to the treasurer to be used for repairing roads.

§ 12. The superintendent shall, at the expiration of his terms of office, make out schedule of all property belonging to his district appertaining to roads, and turn the same over to his successor in office, taking his receipt therefor, which schedule shall be copied upon a book to be kept for road purposes in his district.

§ 13. The superintendent, or any other person by his order, may enter upon any land adjoining, or in reach of any highway which is being improved, and thereupon make any ditches, drains, or dams, and may dig and remove any gravel, stone, earth, sand, or cut and remove any wood or trees that may be necessary for the proper construction, repair, or preservation of any such highway. Any person aggrieved may apply to the superintendent for an assessment of damages occasioned thereby; and in such case the superintendent shall appoint three disinterested persons in said district to view the

locality where the grievance was committed, and assess the damages in twenty days after their appointment. They shall first take an oath to faithfully discharge their duties, to be administered by the superintendent; and they shall report, within five days after their assessments, to the superintendent, having first given notice thereof to the complainant; and superintendent shall give his requisition on treasurer for road purposes, unless he should deem such award unreasonable, in which case he may appeal from award; and such complainant shall have the right to appeal from said award to the county court of the county upon the same terms and conditions, and in same manner as appeals are taken from inferior courts to the circuit court; the superintendent not being required to execute any appeal bond.

Administer
oaths.

§ 14. Every district superintendent shall have the right to administer oaths in all cases touching and necessary to the discharge of his official duties.

Office of survey-
or abolished.

§ 15. The office of surveyor of roads is hereby abolished, and all laws or parts of laws or acts, now enforced in said county, where reference is made to surveyors of roads or highways, the same shall hereafter be considered as referring to the district superintendent so far as the same can be made applicable. Said superintendent shall be subject to the same fines, to be recovered in the same manner, for any failure or willful neglect of duty on his part, as is denounced by law against surveyors of public roads.

Distribute work

§ 16. The superintendent shall, as nearly as possible, distribute the work on the roads equally in all parts of his district, giving the most public traveled road preference.

Compensation.

§ 17. The superintendent shall be allowed a reasonable compensation, not exceeding two dollars per day of ten hours, for his services; and he shall keep his time, and make out a sworn statement of the same at

the court of claims, and when so made shall be paid same as other road claims are paid.

§ 18. When a public road, or any part thereof, shall Division of roads lie wholly or in part upon the line between two magisterial districts, the county court, by an order entered of record, designate the district in which such road or part thereof shall be included.

§ 19. The superintendent shall, at any and all times, remove obstructions, and make such special repairs as occasion may demand.

§ 20. This act shall be submitted to the qualified Vote to be taken. voters of Hardin county at the August election, 1888; and if a majority of all the votes cast at said election shall be in favor of this law, then this law shall be in full force and effect in Hardin county.

§ 21. It shall be the duty of the officers at the August election, 1888, to propound to each voter who may vote at said election in Hardin county, the question: "Are you for or against a road law?" and register his vote in accordance with his response to said question, if he desires to vote thereon. The vote shall be certified and returned, examined and compared, as it is required to be in elections for State and county officers; and if it shall appear by the certificate of the examining board that a majority of those voting in favor of a road law, then the provisions of this act shall take effect and be in force from and after first day of September, 1888. It shall be the duty of the examining board to make out a certificate, under oath, of the votes cast in said county for and against the road law, and deliver the same to the presiding judge of the county court of said county, who shall cause the same to be entered of record by the county court clerk of Hardin county.

§ 22. It shall be the duty of the sheriff of said county, at least thirty days before the day upon which this law is to be voted upon, to give notice by printed handbills, posted at the court-house in Elizabethtown, and in each voting precinct, that

a vote will be taken at the August election for or against a road law; but a failure of such notice shall not invalidate this law.

§ 23. This act shall take effect from and after its passage.

Approved March 26, 1888.

CHAPTER 705.

AN ACT to amend an act, entitled "An act to incorporate the town of Helena, in Mason county," approved March 8, 1854.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act to incorporate the town of Helena, in Mason county, be, and is hereby, amended so that the corporate limits of said town be extended to and bounded on the south by the lands of W. Y. Wells and Charles Minor; on the east to the lands of W. Y. Wells; on the north and west to the lands of Wm. Luttrell.

§ 2. That on the first Saturday in April, 1888, and every year thereafter, there shall be elected, by the qualified voters resident in or owning real estate within the corporate limits of said town, a police judge and town marshal for said town for the term of one year, whose term of office shall commence on the second Monday after their election, and continue for one year, and until their successors are duly elected and qualified.

§ 3. Said police judge shall have the same jurisdiction, concurrent, criminal and penal, with justices of the peace of said county, and shall have the same fees, rights, duties, and be under the same liabilities, as any justice of the peace in said county. He shall have exclusive jurisdiction in all cases arising under, or violations of, the by-laws and ordinances of said town.

§ 4. The marshal of said town shall give bond, with sufficient security, to be approved by the trustees of the town, for the faithful discharge of all his duties, and payment of money collected, and shall have the same powers, duties, fees and liabilities within the limits of said town and county as any constable of said county.

§ 5. The police judge shall keep a record, and have the same rights and powers, and be governed by the same laws in all other respects, not provided for in this act, as justices of the peace.

§ 6. This act shall take effect from and after its passage.

Approved March 26, 1888.

CHAPTER 708.

AN ACT to incorporate the town of Pleasant Home, in Owen county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That a certain body of land lying on the Owenton and Clay Lick Turnpike Road, in Owen county, Kentucky, and bounded as follows: Beginning on Boundary. Clay Lick and Owenton Turnpike, two hundred and fifty feet south of intersection of Clay Lick dirt road; thence east fifteen hundred feet; thence north three hundred feet; thence north-west eleven hundred and forty feet; thence south-west eleven hundred and twenty-five feet to Clay Lick dirt road to a point in said road four hundred feet west of Clay Lick and Owenton Turnpike; thence south-east five hundred feet to Owenton and Clay Lick Turnpike Road to the beginning, be, and is hereby, established as the town of Pleasant Home.

§ 2. That one copy of a map or plat of said town Keep maps. shall be kept by the trustees of said town of Pleasant Home, subject to inspection of lot-owners and citizens

at all times ; and that said trustees cause another copy to be filed in the office of the county clerk of said county.

Trustees. § 3. That W. H. Lowdenback, W. O. Lowdenback and James Lemen be, and are hereby, appointed trustees of said town, and shall hold their office till the first Monday in June next, at which time, and annually thereafter, there shall be an election of trustees by the qualified voters of said town, to serve for one year, and till their successors are elected and qualified.

Voters § 4. All males twenty-one years of age, citizens of this State, who have resided within the limits of said town sixty days next preceding an election, and in the State one year, shall be qualified to vote or hold office in said town.

Police judge. § 5. A police judge and marshal shall be elected by the qualified voters of said town on the first Monday in June next ; the former to serve four years and the latter two years, and until successors are elected and qualified.

Officers take oath and give bond. § 6. Said officers, including the trustees, shall, before they enter on the duties of their office, take the oath prescribed by law, and the marshal shall execute bond and surety in the county court, conditioned for the faithful discharge of his duties, before he shall perform any of the duties as constable. He shall also execute bond to the trustees of the town in the performance of his duties as marshal.

§ 7. Said police judge and marshal shall have concurrent jurisdiction with justices of the peace and constables in Owen county in criminal and penal cases, and a like jurisdiction in civil causes within the limits of said town ; and to charge the same fees for services as justices of the peace and constables are allowed by law to charge for like services. The police judge shall execute bond similar to that required of justices of the peace in the Owen county court.

By-laws. § 8. The trustees of said town are empowered to pass such by-laws and enact such regulations as may

be necessary for the government and well-being of said town, and not inconsistent with this act, and to fill any office created by this act which may be made vacant by death, resignation or other cause, till the next regular election ; and they may also appoint a treasurer and clerk.

§ 9. Said trustees may levy and collect a tax within Levy and collect taxes. the limits of said town on all taxable property, not exceeding twenty-five cents on each one hundred dollars' worth of taxable property ; and a tithe not exceeding one dollar on each tithable in the limits of said town.

§ 10. The clerk shall keep a full and faithful record Clerk. of the proceedings of the trustees of said town, which shall be subject to the inspection of the citizens at all times ; and all by-laws and regulations enacted by the trustees shall be copied by the clerk, and posted by him in some conspicuous place for the inspection of the citizens.

§ 11. The board of trustees shall have power to fix Salaries the salary of treasurer and clerk, and appoint such officers as are necessary, and serve at the elections held for officers of said town, and fix the pay for said services.

§ 12. This act shall take effect from its passage.

Approved March 26, 1888.

CHAPTER 709.

AN ACT to amend the charter of the Supreme Council Catholic Knights of America, approved April 1, 1880.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Supreme Council Catholic Knights of America be, and the same is hereby, amended by striking out of section 2 thereof the words "two thousand" wherever the same occur in said section, and inserting in lieu

thereof "five thousand;" and by striking out of section 2 the words "a fund," and inserting in lieu thereof "a sinking fund."

§ 2. This act shall take effect from and after its passage.

Approved March 26, 1888.

CHAPTER 710.

AN ACT to incorporate the Henderson, Hartford and Knoxville Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

- § 1. That D. Banks, Jr., R. C. Soaper, Paul J. Marrs, James R. Barrett, James S. Alves, W. S. Johnson and Montgomery Merritt, and such other persons as they may associate with themselves, be, and are hereby, constituted a body-politic and corporate, in perpetuity, by the name and style of the Henderson, Hartford and Knoxville Railroad Company; and by that name the said company shall have the right to contract and be contracted with, and shall have all the rights of a natural person in purchasing and holding property suitable for the object and purpose of constructing, equipping and maintaining a railroad, with one or more tracks, from the city of Henderson, State of Kentucky, through Hartford, Ohio county, to the Tennessee State line, in the general direction of Knoxville, Tennessee, and by such route as said company may select.
- § 2. The said company may build, equip and maintain such branch roads from the main line to other points, or to connect with such other railroads, as it may determine.
- § 3. The capital stock of said company shall be one million dollars, to be divided into shares of one hundred dollars each; but the same may be increased to not exceeding two million dollars, or

may be decreased to not less than one hundred thousand dollars.

§ 4. The said corporators, or such person or persons as they may select, are authorized to open books for subscriptions to the capital stock of said company, to be paid in at such times and in such manner as the said corporators may determine. Subscription books.

§ 5. Whenever one thousand shares shall have been subscribed for, the said corporators shall call an election for the election of seven directors, fixing the time and place, and giving ten days written notice for each of the subscribers. The said board of directors shall elect one of their number president and one vice-president, and shall also elect a secretary and treasurer, and may employ such other officer or agent as they may determine. Call meeting. President.

§ 6. The annual election of directors shall be on the first Monday in May of each year, or on such other day as the board of directors may order, in the city of Henderson, twenty days' notice being given by publication in one or more newspapers published in said city. Annual election.

§ 7. The president and directors may open books and receive subscriptions to any of the capital stock of said company that may remain unsubscribed for, or may sell or dispose of the same as they may deem best; and they may receive subscriptions to the capital stock payable in coal or iron, or other lands, or in labor or material, and upon such terms as may be agreed upon: *Provided*, That said corporation shall sell all mineral or other lands, which may be acquired by them, and which are not necessary for the construction of said railroad, within five years after the completion of the railroad through the counties in which said lands are situated. Subscription books. Subscriptions of lands, etc.

§ 8. The board of directors of said company may borrow money from time to time, and for the purpose of constructing, ironing and equipping said road, they may issue the bonds of the company, of such terms Borrow money.

and denomination as they may determine, and of such amount; and to secure the payment of the same, they may mortgage said road but, rolling-stock, franchise, and all other property of the company of every nature and description.

Construct road. § 9. Said company may construct its road and branches across any navigable river or water-course, road, highway or railroad, but in such manner as not to obstruct the use of the same.

Telegraph and telephone lines. § 10. The said company may establish a telegraph line or telephone line along its line of road, or may make such arrangements thereabouts with other companies as may be agreed upon.

Begin work. § 11. The said company shall commence work in good faith upon said road in two years from the passage of this act, and shall build at least ten miles of road each year thereafter until the road reaches the town of Hartford.

§ 12. This act shall take effect and be in force from its passage.

Approved March 26, 1888.

CHAPTER 713.

AN ACT to authorize the town of Glasgow, in Barren county, to issue bonds and fund its present indebtedness.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Authority to issue bonds. § 1. That the town of Glasgow, in Barren county, shall have power and authority to issue its bonds to an amount not exceeding twenty thousand dollars, for the purpose of retiring the outstanding seven per cent. bonds issued by said town in aid of the construction of the Glasgow Railroad.

Denomination of bonds, and how and when to be paid. § 2. Said bonds shall be of denominations of not less than one hundred dollars nor more than one thousand dollars each, and run not exceeding twenty years, but

to be redeemable at the option of said town, not exceeding five thousand dollars in any one year. The bonds to be retired and paid off to be ascertained by lot by the commissioners of the sinking fund at any time they may have funds with which to retire and pay bonds. Notice of the number and amount of the bonds to be paid and retired shall be published for thirty days in some newspaper published in Glasgow, and after the publication of said notice the holders of said bonds will not be entitled to collect any interest on same.

§ 3. Said bonds shall bear interest from date at not exceeding six per cent. per annum, payable semi-annually on the first day of January and July of each year, with coupons attached. Said bonds shall be signed by the chairman of the board of trustees of said town, and countersigned by the clerk of said board, under the seal of the said town, and said coupons to be signed by the clerk alone. Said bonds and coupons shall be made payable to bearer, and shall pass by delivery. The interest as it matures, and the principal when due, to be made payable at the Deposit Bank of Glasgow. The bonds shall be numbered serially from one up, and coupons to bear the serial number of the bond to which it is attached.

§ 4. Said bonds, when prepared, shall be placed in the possession of the commissioners of the sinking fund for said town, and said commissioners shall have the right to dispose of them, and with the proceeds pay off and redeem any of the outstanding bonds of said town upon such terms as said commissioners may determine, or they may exchange any of said bonds at not less than their par value, for any of the outstanding bonds of said town, upon such terms as said commissioners may determine; but in no event shall a greater amount be paid or allowed in exchange for any of the present outstanding bonds of said town than their par value.

§ 5. The clerk of the board of trustees of said town,

Clerk to keep
record of bonds.

shall keep a record of all bonds issued under this act, showing the date, amount, when payable, and the number, and the number and amount of each coupon attached to said bonds.

Duties of com-
missioners of
sinking fund re-
garding bonds.

§ 6. The commissioners of the sinking fund shall keep a record of the bonds received by them under this act, showing the date, amount and number of bond, the amount and number of coupons attached to each bond, the number and amount of each bond sold and exchanged, the number and amount of each bond taken up and canceled by purchase or exchange of new bonds; and when completed, said record shall be filed in the office of the clerk of the Barren county court, and the same shall be subject to inspection by any tax-payer of said town at any time.

Security for
bonds.

§ 7. The faith and credit of the town of Glasgow, Barren county, Kentucky, and the property therein, is hereby pledged for the payment of said bonds and the interest thereon as it accrues; and it shall be the duty of the board of trustees of said town to provide for the payment of the interest on said bonds as it falls due, and for the payment of said bonds at maturity, by the imposition of an ad valorem tax upon all of the real and personal estate (including the amount of each tax-payer's worth under the equalization laws) within said town, subject to taxation for revenue purposes.

Levy of tax to
provide for re-
tirement of bonds

§ 8. That to enable the board of trustees of said town to provide for the payment of the interest on said bonds as it falls due, and to create a sinking fund with which to pay off said bonds, an act, entitled "An act to charter the Glasgow Railroad Company," approved 6th March, 1868, and an act, entitled "An act to amend the charter of the Glasgow Railroad Company," approved 25th February, 1869, and an act, entitled "An act to amend the charter of the Glasgow Railroad Company," approved February 8, 1870, and an act, entitled "An act to amend the charter of the Glasgow Railroad Company," approved March 2, 1882,

are all here referred to and adopted and made parts of this act, as fully and completely as if the same were herein incorporated: *Provided*, That the trustees of said town may levy a tax on the taxable property in said town subject to taxation for revenue purposes, not exceeding fifty cents on the one hundred dollars in any one year, to create a sinking fund with which to pay off and retire said bonds: *And provided further*, That nothing herein shall be construed to repeal an act, entitled "An act to amend the charter of the Glasgow Railroad Company," approved April 8, 1880.

§ 9. That it shall be the duty of the collecting officer to give to the persons from whom he may collect the tax imposed under this act to pay the interest on said bonds, or to create a sinking fund for the payment of said bonds at maturity, a receipt specifying the amount paid and the time of payment; and whenever the amount of said receipts shall equal in the aggregate the sum of twenty-five dollars, and shall be presented to the president and directors of the Glasgow Railroad Company, it shall be their duty to issue to the holder thereof a certificate of stock equal to the amount of the receipts surrendered; and said receipts are and shall be assignable. The person receiving said certificates shall thenceforth be a stockholder in said railroad company, and entitled to all the rights and privileges of other stockholders.

§ 10. This act to take effect from its passage.

Approved March 26, 1888.

CHAPTER 714.

AN ACT to incorporate the Kentucky and Southwestern Land Development and Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Names of incorporators and corporate powers.

§ 1. That C. P. Morman, W. B. Haldeman, Amos Green, H. J. Tilford, J. D. Barbour, W. B. Fleming, J. D. Bondurant, and Chas. F. Johnson, and their associates and successors, are hereby created a body-politic and corporate, named "The Kentucky and Southwestern Land Development and Manufacturing Company;" and by that name shall have power to contract and be contracted with; to acquire, hold and sell and convey property, real and personal; to sue and be sued, plead and be impleaded, in all courts and places as a natural person forever; to have and use a common seal, and to alter the same at pleasure, and to make all necessary by-laws and regulations for the government of the company and the conducting of its business, not inconsistent with the laws of this State and of the United States.

Character of business. 

§ 2. The said company shall have power to purchase, acquire and hold all kinds of real and personal property, in fee-simple or by lease, and to sell, convey and deal therein; to carry on the mining and beneficiating of coal and all other kinds of minerals and metals; to establish town sites; to erect all kinds of buildings, and to rent, sell or convey the same, and to do a general real estate business; to purchase all classes of negotiable paper, and hold or sell the same; to negotiate loans, and secure the same by mortgage or otherwise; to purchase real and personal property at judicial and trustee sales; to engage in the building and carrying on of factories for the manufacturing of all kinds of ores and metals, cotton, wool and wood, into all classes of fabrics and wares suitable for market; to take contracts and engage in the building of

railroads, but shall not own nor operate the same ; to engage in the manufacture of sugar from sorghum or any other material or product.

§ 3. The capital stock of the company shall be for Capital stock. the present one million of dollars, to be divided into shares of not less than twenty-five nor more than one hundred dollars, as its board of directors may determine ; each share of stock shall be personal property, and evidenced and transferable as may be prescribed by the by-laws of the company. The persons named in the first section of this act shall constitute the first board of directors, and five of them, at any meeting, may provide for opening books for subscription to the capital stock of the company, and prescribe the terms of such subscriptions, the time and manner of payment, and the time and manner of forfeiture for non-payment of installments and calls on stock ; and it shall be discretionary with the board of directors whether or not they will forfeit the stock payments on which are in default, or proceed by suit or suits to collect the installments due thereon and in default ; but in case of forfeiture the amount paid on the stock shall be refunded to subscribers. When not less than fifty thousand dollars' worth of said stock at its par value of each share is subscribed for, and such portion thereof paid in cash as the board of directors may require, which shall not be less than twenty per cent., the company shall be deemed fully organized, and may proceed with its business. The officers of the company shall consist of a board of directors, a president, vice-president, treasurer, secretary, and such other officers as may be prescribed by the by-laws ; and the time for which all officers shall hold their respective offices is one year, and until their successors are elected and qualified. The time and manner of holding elections shall be prescribed by the by-laws.

§ 4. The board of directors shall have the general Management of management of all the business of said company, and by board of directors.

may exercise any and all the powers hereby granted to the corporation. They may use stock in purchase and payment for real or personal property ; they may increase the capital stock of the company from time to time : *Provided*, That it shall not be increased to more than two million five hundred thousand dollars ; but before such increase of the capital stock shall become operative, the action of the board of directors shall be submitted to a vote of stockholders, and approved by a majority of all stock then sold and entitled to be voted.

Location of
office.

§ 5. The principal office of the company shall be kept in the city of Louisville, or at any other place the board of directors may fix by resolution ; and branch offices, agencies and places of business may be established at such places as the board of directors may deem expedient and necessary for the carrying on of the business of the company.

Election of di-
rectors.

§ 6. Provision shall be made by the by-laws for the annual election of a board of directors of not less than five nor more than seven members. At all elections each share of stock shall be entitled to one vote, and may be voted in person or by written proxy. The number of directors necessary to constitute a quorum shall be fixed by the by-laws, and all vacancies occasioned by death, resignation or otherwise, may be filled by the board between annual elections.

When work to
begin.

§ 7. Unless the incorporators shall organize and work under this act within one year from its passage, the same shall become null and void.

§ 8. This act shall be in force from its passage and approval.

Approved March 26, 1888.

CHAPTER 715.

AN ACT to incorporate the Fordsville Mining, Manufacturing and Lumber Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That R. S. Triplett, A. C. Tompkins, J. A. Fuqua, J. A. Dean, S. M. Dean, R. G. Robertson, J. W. Marks, R. Monarch, M. V. Monarch, Sam. E. Hill, G. W. Gates, G. V. Triplett, and their associates, be, and they are hereby, declared a body-politic, under the name and style of the Fordsville Mining, Manufacturing and Lumber Company; and by such name shall have perpetual succession, may sue and be sued, plead and be impleaded, in any court as a natural person; may have and use a common seal, and may ordain and put in force such by-laws and regulations for the good government of the company and the efficient management of its affairs as may be deemed expedient and not inconsistent with the laws of this Commonwealth.

§ 2. That the capital stock of said company shall be five hundred thousand dollars, divided into shares of one hundred dollars each, which shall be deemed personal property, and shall be transferable only upon the books of the company. The president and directors shall have power from time to time to declare dividends out of the net profits of the business; and for the purpose of extending their works and the convenience of their business, by a vote of the board of directors, the capital stock of the company may be increased to such amounts as may be necessary to carry out the business of such company, not to exceed, however, the amount of one million dollars. They may borrow money and issue bonds therefor, bearing interest at the rate not exceeding eight per cent. per annum, and secure the payment of same by a mortgage or mort-

gages upon the real and personal estate of the company. The said corporation, in addition to the specific powers given and enumerated, may exercise any and all the powers conferred upon similar companies or corporations by the general laws of the Commonwealth of Kentucky.

Nature of business. ~~See~~ 2

§ 3. The business of said company shall be the mining of coal, iron, silver or other mineral or volatile substance; the boring for oil, salt or natural gas, and the manufacture of said products; the cutting, sawing, manufacturing and shipping of timber and lumber and by sale, or transmitting by tubing or piping or otherwise; and for refining, dealing in or utilization for sale any of the said products, and for these purposes may sell any or all stock or all property in such manner and upon such terms as may seem best for the interest of the said corporation; and may purchase, hold, sell or convey any such mines, leases, mineral or timber rights, or take mineral rights or timber options, and sell or convey same, acting in conformity with and under the laws of the Commonwealth of Kentucky. The company may erect such buildings and machinery on their lands or leases as they may deem necessary for the corporation business. They may make contracts for natural gas, minerals, oils or other products of the earth, or in or under said lands or leases, for use on the premises or elsewhere in Kentucky; and may lay pipes, conduits or other agencies for the delivery of such products as they may desire; and may do any and all things necessary to carry out the object and purposes of their incorporation not inconsistent with the laws of the Commonwealth of Kentucky.

Railways and tramways.

§ 4. The corporation may contract for, erect and construct and maintain bonds, railways and train-ways, from any of their lands, wells, mines or works, to any river or railroads contiguous thereto.

Lease of lands, mines, etc.

§ 5. The said company may buy, lease or rent any suitable lands, mines or mining rights, wells, mills or

machinery, or rights of way, necessary to their business, and may dispose of the same, or any part thereof, by sale or exchange; and it may receive real or personal estate, leasehold mines, mining rights or rights of way in payment for the whole or part of any stock subscriptions made to the capital stock of the corporations as they may deem advisable.

§ 6. The affairs of said corporation shall be managed by a board of nine directors, all of whom shall be stockholders; and any five of them shall constitute a quorum for business transactions. The incorporators mentioned in the first section of this act shall constitute the board of directors with their successors are duly elected and qualified; elections for directors shall be by ballot, and meetings for such elections shall be advertised as the board of directors may indicate. The directors shall choose from among their number a president, vice-president, and may elect from their number or from their stockholders a secretary, treasurers, general superintendent, or such other agents as they may deem advisable for the success of their business. They may prescribe the salary of any agent or officer of the company appointed by them, and give and prescribe the duties of such officer, agent or employe of the company.

§ 7. The incorporators, or any five of them, may, at any time after the passage of this act, open books for the subscriptions of stock, and when twenty-five thousand dollars of the capital stock is subscribed the company may be organized according to the provisions of this charter and begin operations. The stock that may not be subscribed for at the organization may be held, sold or disposed of, as the directors may determine and order; and the directors may make such calls for the unpaid subscriptions as in their judgment the interests of the company may demand, until the whole arrearages are paid.

§ 8. No stockholder shall ever be held liable or made responsible for the debts or liabilities of the company

in a larger sum than the amount of any unpaid balance due to the said company for stock subscribed or held by such stockholders. The principal office of said company shall be in Owensboro, Kentucky; but other offices and agencies therefor may be established elsewhere, in any State in the United States, for the transaction of business pertaining to said company. The stockholders shall meet on the second Thursday in June of each year at the office of the company in Owensboro, and elect nine directors for the ensuing year, who shall hold their offices until their successors are duly qualified and elected.

By-laws. § 9. The directors may make any by-laws not inconsistent with this act and the laws of the State of Kentucky that they deem necessary to the full working of the company under this charter.

§ 10. This act shall take effect from its passage.

Approved March 26, 1888.

CHAPTER 716.

AN ACT to incorporate the Henry County Trust Company, at New Castle.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Incorporators. § 1. That L. M. Sanford, Jacob S. Smith, J. N. Caplinger, Jos. S. Chilton, W. E. Clubb, J. S. McKendrick, R. L. Ricketts, and John W. Mathews, or any five of them, their assigns or successors, shall be a body-corporate, by the name of "The Henry County Trust Company;" and by that name shall have perpetual succession, may contract and be contracted with, sue and be sued, and have and exercise all the powers hereinafter given; and may have and use a common seal, and alter the same at pleasure.

Capital stock. § 2. The authorized capital stock of said corporation shall consist of fifteen hundred shares of the par

value of one hundred dollars per share ; but said company may organize and proceed to business whenever twenty-five thousand dollars shall have been paid in on account of capital stock.

§ 3. The corporators, or a majority of them named Subscription books. in the first section of this act, are hereby authorized to open books for the subscription of the stock of the company ; and when not less than two hundred and fifty shares in said company have been subscribed for, they may call a meeting of the stockholders so subscribing, to be held in the town of New Castle, for the purpose of organizing said company.

§ 4. At the meeting called pursuant to section 3 of Meetings. this act, and at all subsequent meetings of the stockholders of the company, each share-holder shall be entitled to one vote for each share of stock held by him, and such vote shall be cast by said share-holder, or by his proxy appointed by writing, at all meetings of share-holders ; and a quorum for the transaction of any business shall consist of share-holders present in person or by proxy owning at least one-half of the capital stock.

§ 5. At a meeting called pursuant to section 3 of Directors. this act, the stockholders shall elect from their number a board of five directors, which board shall manage the business of the company, and in so doing may exercise all the rights and privileges herein conferred upon said company. The term of office of directors Elections. shall be one year, or until their successors are elected and qualified ; and the annual election for directors shall be upon the first Tuesday in July. If for any reason an election for directors is not held at the regular annual meeting, it may be had at any subsequent meeting ; but the terms of directors so elected shall expire at the same time as if they had been elected at the regular meeting. Vacancies in the board of directors shall be filled by the board until the next regular annual meeting of stockholders.

§ 6. The principal office of said company shall be Principal place of business.

in New Castle, Kentucky, and all meetings of stockholders and directors shall be held in said town. All the directors of said company shall be citizens of, and reside in, the State of Kentucky.

Officers. § 7. The directors shall elect from their number, at their first meeting, and annually hereafter, a president and vice-president, and may appoint a secretary and treasurer, and such other officers, agents, clerks, and employes as the business of the company may require, and prescribe their duties and compensation; and any two or more offices of the company may be held by the same person.

Real estate. § 8. Said company shall not purchase or hold real estate, except that it may own or lease any building which is occupied in whole or in part by its offices and vaults, and may acquire real estate in satisfaction of any debt due it; but any real estate so acquired for debt must be sold within five years from the date of purchase.

Capital stock. § 9. The capital stock and surplus of the company, except so much as may be invested in real estate, as provided for in section 8, and so much as may be needed to conduct the business of the company, shall be kept invested in safe stocks or bonds, or notes secured by lien on real estate, paying a dividend or interest; and it shall be the duty of the company, on the first day of the first term of the Henry circuit court in each year, and oftener if required by the court, to file in said court a detailed statement of such investments, verified by the oath or affirmation of its proper officer. The funds so invested shall be primarily liable for the obligations of said company as executor, administrator, guardian, receiver, assignee, trustee or other fiduciary capacity, and shall not be liable for any other debt or obligation of said company until its fiduciary obligations shall have been satisfied.

Capital stock as security. § 10. The capital, surplus and property of said company shall be taken and considered by law as

the only security required for the faithful performance of its duties, and no other security shall be taken upon its appointment to any of the offices or duties mentioned herein, except when specially required by the courts, or when requested by any party in interest: *Provided*, That if at any time the paid-up capital be less than the authorized capital of the company, then each stockholder shall be liable, *pro rata*, to the extent of the capital authorized by second section of this act.

§ 11. Said company may be appointed, and may act May act as guardian, etc. as guardian, executor, administrator, committee of persons of unsound mind, receiver, assignee, trustee, commissioner, or other fiduciary office or relation, and such appointment may be by deed or will, or by any court having jurisdiction to make such appointment, or in any other manner not inconsistent with law. It may receive and hold in trust estate, real and personal, including the notes, bonds, obligations and accounts of estates, individuals or corporations, public or private, and may, in its fiduciary capacity, purchase, collect, adjust, settle, sell or dispose of the same in this State or elsewhere. It may act as agent or attorney in the sale, leasing, conveying and managing real or personal estate, receiving or collecting rents or other money, in the issuing and countersigning certificates, bonds or other obligations of any corporation, association, municipality, State or public authority; may receive and manage any sinking fund therefor, and may accept and execute all such trusts of every description, not inconsistent with law, as may be committed to it by any person or persons, or by any corporation, or by any court of this or any other State or county.

§ 12. Any court of this State having jurisdiction to Courts' powers. make or approve any of the appointments herein provided for, shall have power, before making or approving the same, and from time to time afterwards, to examine the officers of said company under oath con-

cerning the condition of the company, and to appoint a suitable person to investigate the affairs and management of said company, and to report to the court the manner in which its investments are made, and the security offered to those by or for whom its engagements are held. The expense of each investigation shall be paid by the company.

Duties and responsibilities.

§ 13. In the exercise, by said company, of the powers herein authorized as guardian, executor, administrator, trustee, or other office or duty imposed by a court, said company shall be subject to the same duties and responsibilities, shall have the same powers, and receive the same compensation, as individuals holding similar offices and trusts.

Vault

§ 14. Said company may purchase, erect or lease a safety vault, containing compartments of boxes adapted for renting to persons as a place of safe deposit for valuables ; and may rent the same upon such terms as may be agreed upon by it and the persons renting them.

Dividends.

§ 15. Said company may, from time to time, declare dividends from its net earnings ; but before doing so, it shall set apart at least ten per cent. of said net earnings as a surplus fund, and shall continue so to do until said fund shall be equal to twenty per cent. of its paid-up capital stock.

By-laws.

§ 16. The board of directors shall make such by-laws, not inconsistent with law or with this charter, as may be necessary or convenient for the exercise of the powers granted ; but such by-laws may be altered or repealed by the stockholders at a regular annual meeting, or at a meeting called for that purpose.

§ 17. Nothing herein shall be construed to authorize said company to do a banking business.

§ 18. This act to take effect and be in force from and after its passage.

Approved March 26, 1888.

CHAPTER 717.

AN ACT to incorporate the Owensboro Real Estate Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That M. V. Monarch, P. T. Watkins, J. D. Incorporators. Powers, John Gilmore, Jas. J. Sweeney, R. W. Slack, R. H. Rudd, G. B. Tyler, Jr., Pat. Civill, Fred. W. Clarke, their associates, successors or assigns, be, and they are hereby, created a body-politic and corporate, with perpetual succession, under the corporate name and style of the "Owensboro Real Estate Company;" by which name they shall be empowered to contract and be contracted with, sue and be sued, plead and be impleaded, and to make such rules, regulations and by-laws as may be necessary for the management of the company; and that the chief place of business of this company shall be at Owens- Place of business. boro, Kentucky.

§ 2. That the business of said company shall be the Business. buying and selling of real estate and personal property, erecting and renting out of store and dwelling-houses and other buildings, with power to mortgage the same.

§ 3. The capital stock of said company shall be ten Capital stock. thousand dollars, which may be increased at any time by a vote of the majority of the stockholders, not to exceed seventy-five thousand dollars.

§ 4. The president and board of directors shall de- Stock how paid. termine when and how the shares of the capital stock shall be paid in, and shall make all necessary rules for the transferring of same.

§ 5. The capital stock of said company shall be di- Shares. vided into shares of one hundred dollars each.

§ 6. The private property of the stockholders in Private property said company shall be exempt from the corporate debts.

§ 7. The officers of said corporation shall consist of Officers.

President. five directors, to be annually elected by the stockholders, who shall elect one of their number president.

Secretary. § 8. The board shall then elect a secretary and a treasurer. All officers shall hold their offices for one year, and until their successors shall have been elected and qualified.

Agents. § 9. The board of directors shall have the right to appoint as many agents as may be necessary, and they shall fix the salaries that said agents and all other officers shall receive, and shall require bond, with approved security, from all its officers and agents; and they shall also have the power to remove any and all agents and officers at pleasure.

Election. § 10. As soon as five thousand dollars of the capital stock shall have been subscribed, the parties subscribing the same shall meet and elect a board of directors.

§ 11. In all meetings for the election of directors, stockholders shall have one vote for each share of stock held by them at the time.

Powers. § 12. The corporation shall have the power to purchase, receive and hold real, personal and mixed estate, and may sell, lease and otherwise dispose of same, and may act as agent for other parties in the sale, building, leasing of real estate or personal property, and may charge and collect fees therefor.

Conveyances. § 13. All conveyances, mortgages or leases of real estate shall be signed and acknowledged by the president and secretary of said company.

§ 14. This act to take effect and be in force from and after its passage.

Approved March 26, 1888.

CHAPTER 718.

AN ACT to incorporate the Savings and Loan Association of Pineville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. G. Colson, E. Hurst, M. J. Moss, David Incorporators.
G. Colson and James S. Bingham, and J. C. Colson
and J. C. Mealer, be, and they are hereby, constituted
a body-corporate, under the name and style of "The Name.
Pineville Savings and Loan Association," and by that
name may sue and be sued, implead and be im-
pleaded; shall have succession; have a common seal,
and alter or change the same at pleasure; may ac- Real estate.
quire and hold real and personal property, not in ex-
cess of the amount of its paid-up capital, and sell and
convey the same; and shall possess such other powers
as are consistent with the object of this association.

§ 2. The management of this association shall be Managers.
invested in a board of seven directors, elected an-
nually by the stockholders. The directors shall
elect from their number a president, vice-president
and treasurer, and from the stockholders a solicitor,
assistant solicitor and secretary; and until the first
general election of officers hereinafter provided for,
W. G. Colson, E. Hurst, M. J. Moss, David G. Col- Directors.
son, and J. S. Bingham shall be the directors, and
they shall fill the offices of solicitor, assistant solic-
itor and secretary as above provided. In all elections
and transactions of other business each member
present shall be entitled to one vote for every share
owned: *Provided*, That women and infant members
of the association may vote by proxy; married
women and infants by their husbands and guard-
ians, other women by any member of the associa-
tion selected by them in writing to act for them.

§ 3. The capital stock of said association shall be Capital stock.
one million dollars, to be divided into shares of five

hundred dollars each, to be paid by the stockholders in weekly installments of one dollar each week for each share of stock until said installments, with their net accumulations, shall amount to said sum of five hundred dollars for each share, when such share shall be canceled, and the stockholder thereof receive the amount in turn.

Books for sub-
scription.

§ 4. The corporators above-named shall open books for the subscription of said stock, and may adopt, so far as it has progressed, the subscription of said stock in anticipation of this act; and whenever two hundred shares shall be subscribed, said association may go into operation.

§ 5. Persons may become members of this association at any time, without the payment of back dues, and shall share *pro rata* in the profits, to be calculated, however, from the time of their entrance into the association, and upon the amount they have paid in: *Provided*, That no dividend shall be declared on shares that have not been enrolled three months prior to the declaration of such dividend.

§ 6. The object of said association being to enable its members, by their savings and accumulations, to acquire homes and other property, its business shall be to loan its capital stock as paid in, and the accumulation thereof, only upon mortgages and liens upon real estate, ample in amount to secure the same, preference being given in all cases to members of said association; and said loans shall be made at such rate of interest, not exceeding six per cent., as may be agreed upon by the parties thereto.

Election.

§ 7. As soon as practicable after the association is ready to go into operation, as provided in section four of this act, the corporators shall call a meeting of the stockholders, giving a reasonable notice of such meeting, for the election of directors, who shall serve for one year, and until their successors are elected and enter upon the discharge of their duties. Annually thereafter, at such times as may be fixed by the by-

laws to be adopted by the stockholders, the directors shall be elected; and said stockholders shall have authority to pass and make any by-laws for the government of the association, not inconsistent with this charter or the laws or Constitution of this State or of the United States.

§ 8. Said corporation may provide in its by-laws Penalties. what penalties shall attach for failure to pay the installments of stock at the time fixed therefor, and shall have full power to enforce such penalties, whether the same shall be by fine or forfeiture of such shares. It may also provide upon what terms members desiring to withdraw from the association may do so. It may also direct what officers shall be required to execute bond, with security, for the faithful performance of their duties, and the amount of penalty in said bonds; and said bonds, when executed, shall be fully binding upon the obligors thereto; and it may require the payment, quarterly in advance, of five cents per week on each share to meet current expenses, and also to fix an initiation fee of one dollar on each share.

§ 9. In addition to the mortgage lien or security which may be given by a stockholder to secure any loan which may be made, or any indebtedness which may be created, a first lien is given to the association upon the interest and stock of such share-holder in said association to secure the association in said loan or indebtedness.

§ 10. Should the members of this association desire Dissolution. to wind up its affairs, a dissolution may be had by proceeding as follows, viz: A resolution, in writing, signed by members representing at least one-third of the shares of the association, asking for such dissolution, shall be offered at a regular meeting. The board of directors shall then notify, or cause to be notified, each stockholder of an extra meeting, to be held not less than ten days after the date of said notice, for

the purpose of considering such resolution ; and if, in said extra meeting, three-fourths of the shares of the association shall be voted by ballot for a dissolution of the association, then it shall be dissolved, and the board of directors shall take the necessary steps to wind up the affairs of the association.

Rules.

§ 11. The directors may adopt any rules for conducting the business of the association not in conflict with this act, the by-laws of said association, or the laws of Kentucky or Constitution aforesaid.

Usury.

§ 12. Nothing in this act shall be construed so as to allow any premium on loans, nor shall any usury be charged, directly or indirectly, on loans, and that no money shall be sold in any manner.

§ 13. This act shall take effect from and after its passage.

Approved March 26, 1888.

CHAPTER 719.

AN ACT to amend an act, entitled "An act to prevent stock from running at large in the counties of Bracken, Pendleton, Grant and Harrison," approved March 8th, 1876.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That said act is hereby so amended as to empower any bona fide housekeeper who is a resident of Foster precinct, Bracken county, to take up and impound any stock mentioned in said act, which may be found running at large or trespassing upon his or her premises.

§ 2. It shall be the duty of the person making the seizure of such stock to provide for their care and keeping, who shall be allowed a reasonable compensation therefor, and report the same to the constable of the precinct or the sheriff of the county, or any of his deputies, within three days thereafter.

§ 3. It shall be the duty of the officer so notified to take charge of said stock and execute the provisions of said act: *Provided, however,* That the owner of such stock may redeem the same within the three days specified in this act by paying to the person making the seizure a reasonable compensation for their care and keeping.

§ 4. This act shall take effect from and after its passage.

Approved March 26, 1888.

CHAPTER 720.

AN ACT to amend charter of the city of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That all matters pertaining to pump repairs and cleaning wells shall be placed under the control and supervision of the board of health, and the mayor and health officer shall appoint an inspector of the pump repair department, whose duties, term of office, and salary shall be prescribed and fixed by ordinance.

§ 2. This act shall take effect from and after its passage.

Approved March 26, 1888.

CHAPTER 721.

AN ACT to incorporate the Crutcher Ford, Tunnel Mill and Rockbridge Church Turnpike Road Company, in Washington county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That a company is hereby created a body-politic Corporate name. and corporate, under the name and style of the Crutcher Ford, Tunnel Mill and Rockbridge Church Turnpike Road Company, for the purpose of con-

Object.

structing a turnpike road from a point on the Willisburg and Chaplin Turnpike Road, near Rockbridge school-house, via James Shirley's and Samuel Tatum's, crossing near Carey's Tunnel Mill; thence via Rigdon's school-house, W. W. Ingram's, Thos. Brown's and Alfred Snyder's, so as to cross the Duncansville and Chaplin Turnpike Road near Matt. Maddox; thence by the nearest and most practicable route to the Crutcher Ford, at Beaver creek, in Washington county, so as to intersect the Lawrenceburg and Johnsonville Turnpike Road, in Anderson county.

Capital stock.

§ 2. The capital stock of said company shall be twelve hundred dollars to the mile of chartered road, and shall be divided into shares of twenty-five dollars each.

Commissioners.

§ 3. The following commissioners, or such of them as will act, shall be authorized to take subscription to stock of said company, namely: F. B. Mitchell, Lytle Kays, S. T. Kays, N. S. Hohn, Alfred Snyder, L. K. Snyder, Thos. Brown, W. W. Ingram, M. A. Shields, W. L. Head, Wm. Wilham and James Shirley, who may open books at such times and places as they may deem proper, until all the stock, or so much thereof as may be necessary to construct said road, be taken.

Books for subscriptions.

§ 4. The commissioners shall procure books in which the stockholders shall enter into the following obligation: We, whose names are hereunto subscribed, promise to pay to the president and directors of the Crutcher Ford, Tunnel Mill and Rockbridge Church Turnpike Road Company the sum of twenty-five dollars for each and every share of stock set opposite our names, in such proportions, and at such times and places, as the president and directors may require: *Provided*, The calls shall be thirty days apart, and if not paid within thirty days after the calls are made, interest at the rate of six per cent. per annum shall be charged until paid.

Vote.

§ 5. That the stockholders shall be entitled to one vote for every share of stock held by them; and when

any stockholder desires, he may vote by proxy, in writing, at any election of directors.

§ 6. That a president and five directors shall be President. elected by the stockholders, at a public meeting to be held at such place as the majority of the commissioners may direct, and at such time as they may deem proper; notice of time and place of said election to be given by posting up notices at all of the public places on the line of said proposed road for ten days previous to the day of election.

§ 7. That the president and three directors may call Call meeting. a meeting of the stockholders or the directors at any time they may desire or deem it necessary; the president and three directors, or, in the absence of the president, four directors, shall constitute a quorum to do business; and as soon as one thousand dollars of stock is subscribed and the company is organized, said company may commence and proceed with the construction of said road.

§ 8. The board of directors may appoint such other Officers and agents. officers as they deem necessary to conduct the business of the company; may have power to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, contract and be contracted with, and may make such by-laws as they may deem necessary, which do not conflict with the laws of the State or of the United States.

§ 9. The president and directors shall have power to Grade. fix the grade, locate, build, and establish said road between the points designated; and may acquire, by purchase, gift, relinquishment, or by writ of *ad quod damnum*, deed or otherwise, the right of way between said points; also ground for toll-house, not exceeding Toll-house. one acre for each toll-house, and such timber, rock, gravel, and so forth, as may be necessary for the completion of the road and to keep the same in repair, paying a reasonable compensation therefor. The width of said road shall not exceed thirty feet; and the width of gravel or stone on said road shall not ex-

ceed sixteen feet, nor be less than twelve feet, and of such thickness as may be prescribed by the board of directors.

Term. § 10. That the president and directors shall hold their offices for a term of twelve months, excepting the first ones elected ; and after the first election they shall be elected on the first Saturday in May in each year, at such places and at such hours as the board of directors shall direct or appoint. They shall keep, or cause to be kept, a just account of all money received or paid out by them in the prosecution of said work ; and all cost and expense of said road shall be paid and discharged, and the aggregate amount of the same shall be kept and entered on the books of the company.

Rates. § 11. That the board of directors shall, in their discretion, have authority to erect a toll-gate or gates at such places as they may see proper, and employ gate-keepers, take bond from them, fix their salaries, and the rates of toll collected by them shall be the same as provided by law.

Private property § 12. That the private property of the stockholders shall not be liable for debts of the company.

§ 13. This act to take effect from and after its passage.

Approved March 26, 1888.

CHAPTER 722.

AN ACT to amend the charter of the Citizens' Bank of New Liberty.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That in addition to a building and ground suitable and sufficient for the transaction of its banking business, it shall be lawful for the Citizens' Bank of New Liberty to buy, have, hold, use, possess and enjoy, and sell and convey, if it should desire to sell

and convey, a house, ground and garden suitable and proper as a residence of its cashier.

§ 2. That the purchase of what is known as the Spangler property, in New Liberty, by said bank, shall be, and the same is hereby, made as legal and proper as if said purchase had been made after the passage of this act.

§ 3. That this act shall take effect from and after its passage.

Approved March 26, 1888.

CHAPTER 723.

AN ACT to incorporate the Hawesville Safety Vault and Trust Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. W. Taber, W. S. Thomas, R. E. Dun- Incorporators.
can, S. Powers, S. L. McAdams, and all other persons who shall hereafter become stockholders of the company hereby incorporated, shall be a body-corporate, by the name of the Hawesville Safety Vault Name.
and Trust Company; and by that name have perpetual succession, and may contract and be contracted with, sue and be sued, and have all the powers hereinafter given; and may have and use a common seal, and alter the same at pleasure.

§ 2. The capital stock of said company shall con- Capital stock.
sist of fifty thousand dollars, divided into shares of fifty dollars each, with the privilege to increase the same by a vote of two-thirds of the stockholders, at any annual or special meeting, to any sum not exceeding two hundred thousand dollars; and the incorporators, or any three of them named in the first section of this act, shall have the power to open books and receive subscriptions at such times and places as they may deem expedient; and when not less than five hundred shares shall have been sub-

scribed, and twenty per cent. thereof paid in, the share-holders may elect a board of not less than five nor more than thirteen directors, who shall serve until the next annual election, which shall be on the second Tuesday of January of each year, or until their successors are duly elected and qualified; and the directors so elected of said company, when it shall have been organized, may, and they are hereby, authorized and empowered to have and to exercise in the name and in behalf of the company, all the rights and privileges which are hereby given; and should the capital stock at any time be increased, the stockholders at the time of such increase shall be entitled to a *pro rata* share of such increase upon the payment of the price fixed by the board of directors.

Principal place of business.
Directors. § 3. The principal office of said company shall be in the city of Hawesville, Kentucky. All the directors of said company shall be citizens of the State of Kentucky, and the board of directors shall keep a record of this proceedings.

President. § 4. The directors shall elect from their number, at the first meeting of the board after their election, and directly after each annual meeting of the stockholders, a president and a vice-president, who shall hold their offices for the term of one year, and until their successors are elected and qualified, and may appoint a secretary and a treasurer, and such other officers, clerks, agents and employes as the business of the company may require, and fix their compensation; and may require from any of said officers bond for the faithful discharge of their duty. All elections for directors shall be *viva voce*, and every stockholder shall be entitled to one vote for each share of stock held by him; but no person shall be eligible as director who is not a stockholder to the amount of five shares; at any meeting of the stockholders, except the annual election for directors, a quorum shall consist of stockholders owning

at least one-third in value of the capital stock ; five or more of the directors shall constitute a quorum.

§ 5. The board of directors shall make all by-laws By-laws. necessary for conducting the business of the corporation, and shall have power to require payment of the amount remaining unpaid on the stock of the corporation, at such times and in such proportions as they shall think proper. The corporation shall have a lien on the stock for any amount that may be due thereon.

§ 6. Said corporation may purchase, erect or lease a building or premises containing a strong and commodious safety vault or good iron safe, and a number of small compartments or boxes, designed and adapted for renting to persons or corporations who desire to have a place of safe deposit for valuables ; and said corporation is hereby empowered to rent out the boxes in such safety vault to such persons, and for such sums of money, and for such time, as may be agreed between such corporation and such persons as may, jointly or severally, rent one or more of said boxes or compartments.

§ 7. Said corporation is hereby empowered to receive for safe-keeping any valuables that may be intrusted to it, receipting for the same by its president, vice-president or secretary, and may guarantee such special deposits for such compensation as may be agreed upon between said corporation and said depositors. Receive valuables, &c.

§ 8. The said corporation may be appointed and may act as guardian of infants ; as executors or administrators, or committee of idiots or lunatics ; as receiver, assignee or other trustee, whether appointed by deed, by last will and testament, by any court within this Commonwealth, or in any other manner not inconsistent with law. It may receive and hold in trust estate, real and personal, including the notes, bonds, obligations and accounts of estates and individuals, of companies and corporations, Act as guardian.

ceed sixteen feet, nor be less than twelve feet, and of such thickness as may be prescribed by the board of directors.

Term. § 10. That the president and directors shall hold their offices for a term of twelve months, excepting the first ones elected; and after the first election they shall be elected on the first Saturday in May in each year, at such places and at such hours as the board of directors shall direct or appoint. They shall keep, or cause to be kept, a just account of all money received or paid out by them in the prosecution of said work; and all cost and expense of said road shall be paid and discharged, and the aggregate amount of the same shall be kept and entered on the books of the company.

Rates. § 11. That the board of directors shall, in their discretion, have authority to erect a toll-gate or gates at such places as they may see proper, and employ gate-keepers, take bond from them, fix their salaries, and the rates of toll collected by them shall be the same as provided by law.

Private property § 12. That the private property of the stockholders shall not be liable for debts of the company.

§ 13. This act to take effect from and after its passage.

Approved March 26, 1888.

CHAPTER 722.

AN ACT to amend the charter of the Citizens' Bank of New Liberty.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in addition to a building and ground suitable and sufficient for the transaction of its banking business, it shall be lawful for the Citizens' Bank of New Liberty to buy, have, hold, use, possess and enjoy, and sell and convey, if it should desire to sell

and convey, a house, ground and garden suitable and proper as a residence of its cashier.

§ 2. That the purchase of what is known as the Spangler property, in New Liberty, by said bank, shall be, and the same is hereby, made as legal and proper as if said purchase had been made after the passage of this act.

§ 3. That this act shall take effect from and after its passage.

Approved March 26, 1888.

CHAPTER 723.

AN ACT to incorporate the Hawesville Safety Vault and Trust Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. W. Taber, W. S. Thomas, R. E. Duncan, S. Powers, S. L. McAdams, and all other persons who shall hereafter become stockholders of the company hereby incorporated, shall be a body-corporate, by the name of the Hawesville Safety Vault and Trust Company; and by that name have perpetual succession, and may contract and be contracted with, sue and be sued, and have all the powers hereinafter given; and may have and use a common seal, and alter the same at pleasure.

§ 2. The capital stock of said company shall consist of fifty thousand dollars, divided into shares of fifty dollars each, with the privilege to increase the same by a vote of two-thirds of the stockholders, at any annual or special meeting, to any sum not exceeding two hundred thousand dollars; and the incorporators, or any three of them named in the first section of this act, shall have the power to open books and receive subscriptions at such times and places as they may deem expedient; and when not less than five hundred shares shall have been sub-

shall receive the same compensation as ~~may~~ be fixed by law with relation to individuals holding similar offices or trusts, except as herein otherwise specially provided. The exercise of the other powers, and the performance of other duties by said company, may be, as to compensation and otherwise, matters of contract with parties interested.

D. dividends. § 12. Said corporation may, from time to time, declare and pay dividends, but such dividends shall be paid only from the net earnings of the company.

§ 13. This act shall take effect and be in force from its passage, and continue in force for thirty years.

Approved March 26, 1888.

CHAPTER 724.

AN ACT to amend an act, entitled "An act to incorporate the Hawkins and Cummins Turnpike Road Company, in Bourbon county," approved April 4, 1884.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section 7 of an act, entitled "An act to incorporate the Hawkins and Cummins Turnpike Road Company, in Bourbon county," be amended by adding thereto the following: "And the county court of Bourbon county may subscribe to the capital stock of said company to any amount not exceeding fifteen hundred dollars per mile."

§ 2. This act shall be in force from and after its passage.

Approved March 26, 1888.

CHAPTER 725.

AN ACT to amend an act, entitled "An act to incorporate the Limestone Insurance Company, of Maysville," approved February 28, 1888.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to incorporate the Limestone Insurance Company, of Maysville, Kentucky," be amended by striking out the words "of its capital stock," as they occur in the proviso of section 1 of said act, to wit: "*Provided, however,* That all such investments or loans by said company of its capital stock," etc., etc.

§ 2. This act to take effect and be in force from and after its passage.

Approved March 26, 1888.

CHAPTER 726.

AN ACT to repeal an act, entitled "An act to authorize the Logan county court to borrow money," approved May 10, 1884.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to authorize the Logan county court to borrow money," approved May 10, 1884, be, and the same is hereby, repealed.

§ 2. This act to take effect from its passage.

Approved March 26, 1888.

CHAPTER 727.

AN ACT for the benefit of W. H. Hays, of Bullitt county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of Public Accounts be, and he is hereby, authorized and directed to refund to

W. H. Hays, surety for H. C. Hays, late sheriff of Hardin county, the sum of two hundred and thirty-eight dollars, the same being for poll-tax assessed against negroes, which was paid in on settlement of said sheriff's account by the said W. H. Hays, surety as aforesaid, but never collected from the tax-payer on account of a decision of the United States court declaring such tax to be unconstitutional.

§ 2. This act shall take effect from and after its passage.

Approved March 26, 1888.

CHAPTER 728.

AN ACT to amend an act, entitled "An act to incorporate the Frankfort Cemetery Company," approved February 27, 1844.

Preamble. WHEREAS, It is deemed necessary to the proper protection and care of the grounds of the Frankfort Cemetery Company that the superintendent and some of the employees of said company should reside upon the said grounds, and should possess the power to arrest persons trespassing and committing depredations and offenses in said grounds; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act, entitled "An act to incorporate the Frankfort Cemetery Company," approved February 27, 1844, be, and the same is hereby, amended so as to provide:

Superintendent. § 2. That the superintendent of said company shall reside upon the grounds of the company, and in the lodge thereon erected for the purpose of such residence; and for the better protection of the rear of said cemetery, the said company may authorize and require some one to reside in the dwelling-house situated on the lot of ground purchased by said company, adjoining the property of Mrs. Exum; and

said company may, in its discretion, permit the grazing of the grass lots adjoining the superintendent's lodge and the dwelling on the rear of its grounds, as said lots are now fenced off, or any part of either, until the same shall be required and laid off for burial or ornamental purposes: *Provided*, The same is used in a manner not inconsistent with the reverence and respect due to the cemetery of the dead, and that the part or parts so used shall be securely and properly fenced off from the portion of said grounds laid off for burial purposes and the avenue and approach thereto.

§ 3. That the jurisdiction of the police of the city of Frankfort, and of the police court of said city, shall extend over and embrace the grounds of said company; and it shall be the duty of said police to arrest, and of said court to cause to be arrested, and try all persons committing, on or adjacent to said grounds, breaches of the peace or other offenses against the law or the rules and regulations of said company. And, on the application of said company, the county court of Franklin county may, by order of said court, appoint the superintendent and such other employes of said company as it may desire, special policemen for said grounds; who shall have the power to arrest, on or adjacent to said grounds, all offenders against the law and the rules and regulations of said company, and take them before the proper officer or court to be dealt with according to law.

§ 4. That said company shall have the authority to prescribe the place or places at which, and the hours when, said grounds may be entered and left; and to forbid the entrance therein of any person, other than an owner of a lot, part of lot or grave, unless such person shall have a permit from a designated officer or officers of the company, and to determine to whom such permits shall be given. And if any person shall violate the inclosures of said company's grounds by entering or

leaving the same at any other time or place than those prescribed by said company, or, not being the owner of a lot, part of lot or grave therein, shall enter said grounds without a permit from the designated officer or officers of the company, such person so offending shall be liable for a misdemeanor, and punishable by warrant before the police court of the city of Frankfort by a fine of not less than five and not more than one hundred dollars, at the discretion of said court.

§ 5. That any of the offenses mentioned in the fifth section of the act to which this is an amendment may also be tried by warrant before the police court of the city of Frankfort, and if the person charged be found guilty, he shall be punished by a fine of not less than five and not more than one hundred dollars, in the discretion of said court.

§ 6. This act shall take effect and be in force from and after its passage.

Approved March 26, 1888.

CHAPTER 729.

AN ACT to create a board of commissioners for Magoffin county, and prescribe their duties and powers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the circuit judge of Magoffin county shall, Appointment of commissioners. at the first term of the Magoffin circuit court after this act takes effect, and annually thereafter, appoint three commissioners, citizens of said county, who shall be styled a board of commissioners for Magoffin county, whose duty it shall be, after their appointment and qualification, to hear, audit and determine the correctness of all claims or charges, of every kind whatever, that may be presented against said county, and which may be asked to be paid by said county out of its county levy or ad valorem tax.

§ 2. Said commissioner shall, after being appointed and sworn, execute, in the Magoffin circuit court, such bond or covenant as the judge of said court may require of them; and they shall select and appoint a treasurer, who shall execute such bond or covenant as the said court may prescribe, in an order entered on the records of his court; said commissioners shall receive five dollars per day each, for each day they are necessarily engaged in the discharge of the duties required of them by this act, and shall make an allowance to the treasurer appointed by them for his services such as they think him entitled to.

Bond of commissioners.

§ 3. Said commissioners shall, immediately after their appointment, convene and select one of their number chairman and elect a treasurer; such chairman, after his election, which shall be by lot or otherwise, shall call all future meetings of said board and preside over their deliberations, and issue such compulsory process as may be necessary for the production or appearance of any papers, person or persons before them; they shall have free access to any books, records or papers in either the county or circuit court clerk's office of Magoffin county; and the sheriff of Magoffin county shall execute, and due return make, of any and all process issued by the chairman of said board; and any failure or refusal on said sheriff's part to do so, shall subject him to all the pains and penalties now denounced by law against sheriff and other officers for failing to execute and make return of process put into his hands.

Duties of commissioners.

§ 4. Said board shall meet in the court-house, in the town of Salyersville, on the first Monday in October, 1888, and annually thereafter, for the purpose of hearing all claims that may be presented against Magoffin county, at which meeting they shall hear all such claims, audit and adjust the same, and allow such as they may think just, and have the same en-

Time and place of meeting of commissioners.

tered of record in the county court clerk's office of said county by the clerk of said court, who shall act as clerk of said board at said term of sitting, and at any other time that he may be requested by the chairman of said board; and his failure to do so shall subject him to all the pains and penalties now denounced by law against clerks for failure to discharge their duties.

Provision as to
paupers.

§ 5. Said board shall have full control and supervision of keeping the paupers of said county, and making provisions for taking care of the same, by letting them out at public outcry or by private contract, whichever mode, in their opinion, will be best for the interest of the county; and shall require such covenants of the undertaker or keeper as they deem proper, upon which covenant suit may be brought in the circuit court for any defalcation or failure on the part of the keeper of the poor to discharge his duty.

Poor-house
property.

§ 6. Said board of commissioners shall have full and exclusive control of the poor-house property, and full power and authority to have any repairs done on the public roads, public buildings or poor-house property of the county, or the erection of any bridge, when the same is too onerous for the hands allotted to work such road; and shall make provisions out of the county levy for the cost of the same.

County levy.

§ 7. They shall, at their meeting in the month of October, in the court-house in Salyersville, as herein provided for, levy and fix the county levy and ad valorem tax for said county, not exceeding the amount now allowed by law; and shall, at the same time, make a full and complete settlement with the sheriff of Magoffin county of all moneys that he has received or paid out belonging to the county, and have the said settlement entered of record at length in the Magoffin county court clerk's office.

Collector of
county levy.

§ 8. The sheriff of Magoffin county shall be collector of the county levy and ad valorem tax fixed by said commissioners, he first giving bond for the collection

of the same as now required by law; and should he fail or refuse to execute such a bond on or before the first Monday in February in each year in the Magoffin county court, said board shall appoint a suitable person to collect said county levy and ad valorem tax for said county, who shall execute bond for the collection of the same in the Magoffin county with approved security.

§ 9. That no claim or charge against Magoffin county shall be paid out of any county levy, or ad valorem tax or appropriation made by said commissioners, either directly or indirectly, whether for original claims or for pro rata amounts on claims heretofore entered of record, without the approval of said commissioners, entered of record in the Magoffin county court, and signed by them. Claims how paid.

§ 10. Said board of commissioners shall have power to meet, at any time, when it is absolutely necessary for them to do so, for the interest of the county, or for the purpose of doing any repairs on the public road, bridges of the county, public buildings, or to make any orders relative to the paupers of said county. Extra meetings of board.

§ 11. That all acts or parts of acts in conflict with this act are hereby repealed.

§ 12. Two of the commissioners directed to be appointed by this act shall belong to the same political party, and the other commissioners and treasurer shall belong to the same political party, but a different party to which said two commissioners belong.

§ 13. This act shall take effect from its passage.

Approved March 24, 1888.

CHAPTER 730.

AN ACT for the benefit of Frank Preston, etc., of Johnson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall be lawful for said Frank Preston, Mont. Preston and G. B. Preston, their lessees, assignees and grantees, to charge and collect a reasonable wharfage upon all shipments of goods or merchandise of any kind placed on said wharf-boat while in course of shipment, said wharfage not to exceed the usual rates charged along said river upon similar articles. They shall also have the right to charge a fee, of not exceeding one dollar per day, for any boat or craft anchored or tied at said wharf-boat: *Provided*, That said fee shall not be charged of any boat or craft for landing merely to put off or take on freight. They shall have a lien for said wharfage upon all such goods or merchandise placed upon said wharf-boat ; said lien to be enforced as other liens for wharfage are enforced ; and they may proceed against any boat or craft, by suit in any court of competent jurisdiction, for the fee herein provided for.

§ 2. This act shall take effect from and after its passage.

[Became a law without approval of Governor March 27, 1888.]

CHAPTER 731.

AN ACT for the benefit of G. T. Finn, of Simpson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That whereas Gerald Thomas Finn, of Simpson county, Kentucky, is deemed duly qualified to practice as an attorney and counselor at law ; and whereas, said Finn is not twenty-one years of age ;

now, therefore, be it enacted, that the legal disabilities of said Finn be, and they are hereby, removed, and the judges of the circuit and Superior courts are hereby authorized and empowered to grant unto said Finn license to practice as an attorney and counselor at law, upon like conditions and in such manner as to applicants or persons twenty-one years of age as provided by law; and all laws in conflict herewith are hereby repealed.

§ 2. This act shall take effect at its passage.

[Became a law without approval of Governor March 27, 1888.]

CHAPTER 732.

AN ACT to prescribe the pay of justices of the peace in Edmonson and Hancock counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That justices of the peace in and for the counties of Edmonson and Hancock shall be allowed, as compensation while serving as members of the county court and court of claims of said counties, the sum of three dollars per diem, to be paid out of the county levy of said counties.

§ 2. This act shall take effect and be in force from its passage.

[Became a law without approval of Governor March 27, 1888.]

CHAPTER 733.

AN ACT to extend and amend the charter of the Bank of Hopkinsville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the chartered privileges and rights of the Bank of Hopkinsville, of Hopkinsville, Kentucky, incorporated by an act approved May 22, 1865, and

Former acts continued in force.

as conferred by the original act of incorporation, and acts amendatory thereof, shall continue in full force for the period of twenty-five years from June 10, 1890. But the extension of the charter of said bank shall be subject to the restrictions and provisions following, viz:

Extension. § 2. The extension of the charter of said bank for the period of twenty-five years from June 10, 1890, shall be subject to all the restrictions, limitations, penalties, conditions, and duties imposed by its act of incorporation, or any acts amendatory thereto.

Act amended. § 3. That section two (2) of the charter of said bank is hereby amended by striking out of said section, in line five, the words "at least twenty-five," and by inserting in lieu thereof the words, at least ten (10). And section four (4) of the charter of said bank is hereby amended by inserting in the eleventh line of said section, and after the word "parties," the following words, viz: In all respects as natural persons may do under the common law.

Obtain stock. § 4. That said bank may, with its corporate funds, obtain by purchase, and transfer to the corporation and on corporate account, and retire one thousand shares of its present existing capital stock, of the par value of one hundred dollars (\$100) per share, upon such terms and conditions of purchase and transfer as may be agreed upon between the holders and owners of certificates of the capital stock of said bank and said bank, and thereby reduce the capital stock of said bank from two hundred and fifty thousand dollars (\$250,000) to one thousand five hundred shares of the par value of one hundred dollars (\$100) per share, thereby reducing the capital stock of said bank to one hundred and fifty thousand dollars (\$150,000).

Reduce capital stock. § 5. That if the capital stock of said bank be not reduced by purchasing in and retiring one thousand shares of the present existing capital stock of the par value of one hundred dollars each, as provided by section four (4) of this act, then the holders and owners

of the capital stock of said bank shall have the privilege and right, by and with the consent of a majority in interest of a quorum of its stockholders, to retire one thousand shares of the capital stock of said bank of the par value of one hundred dollars per share, by refunding back to stockholders, on certificates of capital stock, *pro rata*, on each share of stock, such sums and amounts as the board of directors of said bank may, from time to time, order refunded, and which shall be credited on certificates of stock by the cashier of said bank as refunded to stockholders, and under such rules and regulations as shall be established by the board of directors of said bank, and thereby reduce the capital stock of said bank to one thousand five hundred shares, of the par value of one hundred dollars per share, equaling one hundred and fifty thousand dollars (\$150,000): *Provided*, That in refunding back to stockholders on certificates of stock ^{Refunding.} as provided by this act, that not less than ten (10) per cent. shall be refunded or paid back to stockholders on certificates of capital stock, under each order to refund as may be made by the board of directors; and when the capital stock of said bank shall be reduced to one hundred and fifty thousand dollars, as provided by this act, all old outstanding certificates representing the capital stock of said bank shall be surrendered to said bank, and shall be canceled, and new certificates shall be issued representing said one thousand five hundred shares of capital stock, or one hundred and fifty thousand dollars, as provided by the charter of said bank, which shall be entered upon the books of said bank, and shall be transferable only as provided by section two (2) of said charter.

§ 6. This act shall take effect and be in force from and after its passage.

[Became a law without approval of Governor March 27, 1888.]

CHAPTER 734.

AN ACT to vacate "Park Place" in the city of Louisville, and provide for the opening and dedication of Ormsby avenue through the same.

WHEREAS, James M. Bryant and Theodore Harris heretofore laid out and dedicated to public use as a park a strip of land in the city of Louisville known as "Park Place," with streets on both sides thereof; and whereas, the owners of the property fronting on said "Park Place" are desirous of having the same vacated for public use as a park, and Ormsby avenue extended through the same; and whereas, the said James M. Bryant and Theodore Harris have by their deed duly executed, consented that said Park Place, and the streets laid out by them on both sides of it, may be vacated, and have relinquished all reversionary interests which they have therein, and have consented that Ormsby avenue may be extended through said Park Place, and that the streets so vacated shall become and form a part of the lots fronting thereon; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That "Park Place" in the city of Louisville, and the streets now laid out and existing on the north and south sides thereof, be, and the same are hereby, vacated for public use as originally dedicated.

§ 2. That Ormsby avenue in the city of Louisville be, and it is hereby, extended and dedicated to public use, from the east side of First street to the east line of said Park Place. Said avenue shall be of the uniform width of sixty feet, and the center line thereof shall be the center line of said Park Place.

§ 3. So much of Park Place, and the existing streets on both sides thereof, as shall not be required in the extension of Ormsby avenue as above provided, shall become and remain a part of the lots fronting thereon,

the same as if said lots had originally extended out to the line of Ormsby avenue as above dedicated.

§ 4. This act shall take effect from and after its passage.

Became a law without approval of Governor March 27, 1888.]

CHAPTER 735.

AN ACT to prohibit the sale of spirituous, vinous or malt liquors within the limits of Columbia voting precinct, in Adair county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall be unlawful for any person whatsoever to sell any spirituous, vinous or malt liquors, in any quantity, within the limits of Columbia voting precinct, in Adair county.

§ 2. Any person violating the provisions of this act shall, upon conviction thereof, be fined in any sum not less than one hundred dollars nor more than five hundred dollars.

§ 3. The provisions of this act shall not apply to druggists who sell for sacramental purposes, or for medical purposes on a prescription of a regular resident practicing physician; but no physician shall make or sign any such prescription except the person for whom it is prescribed is actually sick, and such liquors are actually required as a medicine; and any physician who makes or signs any prescription for such liquors, except as provided in this act, shall be deemed guilty of a violation of this act, and on conviction thereof shall be fined in any sum not less than one hundred dollars for each offense, to be recovered by an indictment of the grand jury and an action in the circuit court.

§ 4. This act shall be in force from its passage.

[Became a law without approval of Governor March 27, 1888.]

CHAPTER 736.

AN ACT to prohibit the sale of spirituous, vinous and malt liquors in the county of Robertson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall be unlawful for any person or persons to sell, barter, give, loan or traffic in spirituous, vinous or malt liquors, in any quantity whatever, within the county of Robertson, except as hereinafter provided ; and all laws or parts of laws authorizing the county judge, or the trustees of any town within said county, to grant a license to retail spirituous, vinous or malt liquors, are hereby repealed.

Unlawful to sell
liquors.

§ 2. This act shall not apply to the procuring or use of wine for sacramental purposes, or to a regular resident practicing physician who, in good faith, prescribes the same as a medicine to his patient or patients, or to the sale from a distillery in the county by the owner thereof or his agent, at any one time in a quantity not less than ten gallons, and then not to be drank on the premises where sold, or premises adjacent thereto.

Not to apply.

§ 3. Nor shall this act or its provisions apply to those who give or furnish spirituous, vinous or malt liquors to a member or members of their own family, or their invited guests at their own household.

Penalties.

§ 4. Any person violating the provisions of the first section of this act, unless within the exceptions named in the second and third sections, shall be fined for each offense, each violation to be deemed a separate offense, in a sum not less than one hundred nor exceeding three hundred dollars, to be recovered by the indictment of a grand jury, or by a proceeding before the county judge, or any magistrate or police judge, in the name of the Commonwealth, after five days' notice ; the accused, if he demands it, to be entitled to a trial by a jury.

§ 5. Any physician who shall furnish spirituous, ^{Physician.} vinous or malt liquors to any person or persons except as a medicine, shall be fined one hundred dollars for each offense, to be recovered as provided in the fourth section of this act, and each violation shall be deemed a separate offense.

§ 6. The procuring for, or the delivery by, one person of liquors to another, unless a member of the same family, or their invited guests at their own household, to be drank as a beverage, shall be deemed a sale under the provisions of the first section of this act, and subject the party procuring or delivering the same to the penalties annexed for a violation of said section.

§ 7. It shall be the duty of the circuit judge of the county to give this act in charge to the grand jury at ^{Duty of criminal judge.} each term of the court.

§ 8. The provisions of this act shall become operative when approved by the majority of the votes cast at any election to be held at each of the voting pre- ^{When operative.} Election. cincts of the county of Robertson on Saturday, the second day of June, 1888, between the hours of 7 A. M. and 6 P. M., on that day; all persons being allowed to vote at said election who, on that day, would be eligible to vote for a Representative in the Legislature. The clerk of the county court shall prepare the poll-books for the election, heading one column: "For the sale of spirituous, vinous and malt liquors," and another: "Against the sale of spirituous, vinous and malt liquors," and the votes recorded as the voters may express themselves. The officers of the election shall be appointed as under existing laws in reference to general elections, and the polls returned and compared in like manner. If a majority of the votes cast are against the sale of liquors, the certificate of the board shall be to that effect, and the clerk of the county court shall at once record the same in his office, and then the provision of this act shall be in full force. Fifteen days' notice of said election shall

be given by the sheriff, by printed or written notices posted in each of the precincts of the county, and said notice shall be inserted in each of the county papers three weeks before the election: *Provided, however,* That a failure to give said notice shall in no way affect said election if held and said vote is taken.

Officers.

§ 9. If the criminal or circuit judge, county judge, mayor or police judge, of the town of Mt. Olivet, magistrate, sheriff, jailer, marshal or constable, or other magistrate or peace officer of said county, having knowledge or information of a violation of the provisions of this act, shall willfully neglect or fail to execute the duties required of them respectively, they shall, upon indictment of a grand jury and conviction thereof in the criminal court, be fined not less than one hundred nor more than two hundred dollars for each offense.

Old law.

§ 10. Should this act fail be ratified by the majority of the votes cast at the said election, then the old law in force in Robertson county, as pertains to liquor, shall continue in full force and effect, and shall also so continue after the passage of this act until the said election.

§ 11. This act shall take effect and be in force from and after its passage.

[Became a law without approval of Governor March 28, 1888.]

CHAPTER 787.

AN ACT to regulate the selling, lending, procuring or furnishing, giving of spirituous, vinous or malt liquors, or any intoxicating drinks, in Elliott county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Unlawful to sell liquor.

§ 1. That it shall be unlawful for any person or persons to sell, lend, procure for, give or furnish to any other person or persons any spirituous, vinous

or malt liquors, or any intoxicating drinks, in any quantity whatever, in Elliott county, except as hereinafter provided.

§ 2. Any person or persons who shall be found guilty of selling, lending, procuring for, giving, or furnishing to any other person or persons, any spirituous, vinous or malt liquors, or any intoxicating drinks, in any quantity whatever, directly or indirectly, except as hereinafter provided, shall, upon conviction thereof, either upon indictment by grand jury or information and warrant before county judge, or any police judge or justice of the peace of Elliott county, be fined sixty dollars for every such offense; and every such selling, lending, procuring for or giving shall constitute a separate offense.

§ 3. Any shift or device for the purpose of evading Evading law. the provisions of this act, and the establishment of resorts for the purpose of procuring or drinking any intoxicating liquors, such as club-rooms, or by any other name, within the county aforesaid, shall be deemed unlawful; and every sale or delivery to, or handing out of such intoxicating liquors, by any club-room keepers, or tender to any person, shall constitute a violation of this act, and subject the offender to the penalty prescribed in section 2 of this act.

§ 4. The keeper or tender of any resort wherein Violators. intoxicating liquors are kept for the purpose of vending, giving away, keeping for, or issuing to others, shall be deemed a violator of this act, and each day, or part of day or night he so keeps same, shall be a separate offense, and subject him to the penalty prescribed in said section 2 of this act.

§ 5. It shall be unlawful for any person to rent his property to another for the disposition of the inhibited liquors, or to use his own property for that purpose; and such use of the property by a lessee shall work an immediate forfeiture of his rights under the lease; and should any landlord permit his property to be used within the county aforesaid, after knowl-

edge of the fact has been brought home to him or his agent, if a non-resident of the State or county, and he has a resident agent, without taking immediate steps, in good faith, to dispossess such tenant, he shall be deemed a violator of this act, and shall, for each week he allows such tenant to carry on such business after such knowledge, and without honest effort to dispossess him, be subject to a fine of sixty dollars, which, when assessed, shall be a lien on the real estate where such violation occurred, enforceable by appropriation action in the name of the Commonwealth, in the Elliott circuit court.

County judge. § 6. It shall be unlawful for the county judge of Elliott county, or the trustees or board of council of any town in said county, to grant or issue license to any person to sell spirituous, vinous, or malt liquors in said county, or towns in said county, and any license issued shall be void.

Laws repealed. § 7. All laws of a general or local nature, inconsistent with or repugnant to this act, are hereby repealed, so far as they may be applicable to said county or towns in said county, and no construction shall be given to any such law or laws as shall in anywise permit the selling, lending, procuring for, or giving of spirituous, vinous, or malt liquors, or any intoxicating drinks, in said county.

Not affect general laws. § 8. This act shall not be considered as affecting any of the provisions of the general laws of the State in reference to the selling, giving to, or procuring intoxicating liquors for a minor or an inebriate, and all penalties therein prescribed for said offenses, and rights of suit given to others for a violation of said laws, shall still be in force as if this act had not been passed.

Druggist. § 9. It is provided that a regular bona fide druggist may sell spirituous, vinous or malt liquors, or any mixture of either, for exclusively medical purposes, to be removed from the premises upon a written prescription, signed by a regular practicing physi-

cian authorized to practice medicine under the laws of this Commonwealth, who has no interest in the sale; but no physician shall make or sign any such prescription unless the person for whom it is made is actually sick, and such liquor is absolutely required as a medicine. Such prescription shall be dated, and shall name the person for whom prescribed and the quantity needed. No prescription shall be good but for one sale. The druggist shall keep same on file for public inspection. Wine may be sold for sacramental purposes on the production of a certificate of a clergyman affirming that it is for such purposes; and it shall be the duty of the druggist to keep a register of all sales made, and make a report of such to the criminal court on the first day of each term. The record of each sale shall be made on the day of sale, and shall be open for public inspection; and should he fail to perform the duties herein required, he shall, upon conviction thereof, upon indictment by grand jury or upon warrant, be fined not less than twenty-five nor more than one hundred dollars; but before any druggist shall sell under this act he shall take an oath before the county judge, which shall be entered of record in the order-book of the county court, that he will make no sales contrary to the provisions of this act; and should he sell contrary to the provisions of this act, he shall be liable to all the penalties prescribed in section 2 of this act, and also to the penalties prescribed by statute for false swearing.

§ 10. And before any physician shall be authorized Physicians. to give a prescription as contemplated in this act, said physician shall take an oath before the county judge, a record of which shall be made in the order-book of the county court, that he will not give a prescription to any person contrary to the provisions of this act, and thereupon he shall be granted a certificate by the county judge, a record of which shall be made in the order-book of the county court, showing that said

physician is authorized to grant prescriptions as contemplated by this act; but said certificate shall not be granted unless the county judge shall be satisfied that the applicant is a regular practicing physician of good moral character, and authorized to practice medicine under the laws of this Commonwealth; and any physician giving a prescription as contemplated by this act, and contrary to the provisions of this act, before obtaining the certificate herein required, shall, upon conviction by indictment, or upon a warrant issued by any judge or magistrate having jurisdiction, be fined not less than twenty-five nor more than one hundred dollars for each prescription so granted; and any physician who shall give a prescription after his certificate shall have been revoked shall, upon conviction, upon indictment or warrant, be fined not less than one hundred nor more than two hundred dollars, and confined in the county jail not less than thirty days; and the county judge shall, upon the conviction of a physician for having violated this act, revoke his certificate if one has been granted him: *Provided*, This section shall go into effect sixty days after the recording of the certificate of the examining board for the election hereinafter provided for on the order-book of the Elliott county court.

Penalties.

§ 11. Any druggist who shall sell, upon the prescription of any physician who is unauthorized to give said prescription, shall, upon conviction, be subject to the penalties prescribed in section 2 in this act.

Family.

§ 12. It is provided that any person may give to any member of his or her own family, or to a neighbor when visiting his or her household, or a physician administer when needed, a drink of intoxicating liquor without being deemed a violator of this act.

Duty of county judge.

§ 13. That it shall be the duty of the judge of the county court of Elliott county, within fifteen days after the passage of this act, or as soon thereafter as is practical, either at a call or regular term of said court, to make an order on his order-book, directing

the sheriff of said county to cause a poll-book to be opened in each voting precinct in said county, on the first Saturday in July, 1888, for the purpose of taking the sense of the legal voters in said county upon the proposition as to whether or not any spirituous, vinous or malt liquors, or any intoxicating drinks, shall be sold, loaned, procured for or given to another person in said county. It shall be the duty of the county clerk to give to the sheriff a certified copy of the order of the judge of the county court, as it appears on the order-book, within five days after making said order.

§ 14. It shall be the duty of the sheriff to have the Duty of sheriff. order of the judge of the county court advertised by printed or written handbills, posted at three or more conspicuous places in each voting precinct in said county, at least fifteen days before the election; but a failure to advertise shall not make the election invalid.

§ 15. It shall be the duty of the sheriff to open Vote. a poll at each voting precinct, and the election officers shall propound to each voter the question: "Are you in favor of the prohibition of the selling, loaning, procuring for, giving or furnishing of spirituous, vinous or malt liquors, or any intoxicating drinks, as provided in the act under which this election is held?" and his vote shall be entered for or against as he directs. The poll-books shall be returned to and deposited with the clerk of the Elliott county court, and shall be examined and compared on the first Thursday after said election by the same officers that compare and examine the poll-books in the case of election of county officers.

§ 16. If it shall be found that a majority of the legal votes cast at said election hereinbefore provided for were given against the selling, loaning, procuring for or giving of spirituous, vinous or malt liquors, or any intoxicating drinks, as contemplated

LAWS OF KENTUCKY.

by this act, in Elliott county, it shall be the duty of the examining board to certify that fact, which certificate shall be delivered to the clerk of the Elliott county court, and by him safely kept until the next regular term of Elliott county court, at which time the judge thereof shall have the same spread on the order-book of the said court; and entry of the certificate on said order-book, or a certified copy thereof, shall be *prima facie* evidence in all proceedings under this act.

Certificate. § 17. The certificate of the result of the election held under this act may be ordered to record at a called term of the county court, and shall be as effective from its entry as if entered at a regular term.

Record. § 18. After the election aforesaid, and the entry of the certificate of the examining board for prohibition thereunder as aforesaid and as above provided for in order, the order-book of the county court of Elliott county, and not before, any one violating the provisions of this act shall be subject to the penalties herein imposed by this act.

§ 19. The entire cost and fees of the election provided for herein shall be allowed by the court of claims and paid out of the county levy.

Officers of election. § 20. The county judge shall appoint officers for the election herein provided for, as in case of elections for county officers; and they shall be subject to the same pains and penalties as provided by the general law against officers of elections in failing to discharge their duty.

§ 21. This act shall take effect from and after its passage.

[Became a law without approval of Governor March 28, 1888.]

CHAPTER 738.

AN ACT to authorize Fayette county to subscribe for stock in the Kentucky Union Railway Company, and issue bonds in payment thereof.

WHEREAS, At an election duly ordered by the Preamble. county court of Fayette county, which was held on the first day of August, 1887, in all the voting precincts of that part of Fayette county which lies outside of the city of Lexington, to take the sense of the voters of that part of said county upon the proposition to subscribe for stock in the Kentucky Union Railway Company to the amount of fifty thousand dollars for and on behalf of that part of said county lying outside of the city of Lexington, and at said election the question of subscription was decided in the affirmative; and whereas, it is deemed important to remove all doubts as to the legality of said election, and to make more certain the powers and duty of the county court of said county to carry into effect the purposes and intentions of said election; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the election held in the county of Fayette Election. outside of the city of Lexington, on the first day of August, 1887, to take the sense of the voters of said county outside of said city upon the question submitted to them as to subscribing to the capital stock of the Kentucky Union Railway Company, as stated herein, be, and the same is hereby, ratified and declared to have been a legal election, and all acts or things which should have been done in and about said election, but which were omitted, if any, are hereby held to have been waived, and to be cured and supplied by virtue hereof.

§ 2. The county court of Fayette county is hereby Subscribe stock. empowered and directed to subscribe to the capital stock of the Kentucky Union Railway Company to

the extent of five hundred shares of the par value of one hundred dollars each, amounting in all to the sum of fifty thousand dollars.

Duty of county court.

§ 3. It shall be the duty of the county court of Fayette county to provide means for the payment of said subscription, to be made in behalf of the county of Fayette, outside of the city of Lexington, in a manner pointed out in section 19 of an act approved March 10, 1854, entitled "An act to incorporate the Kentucky Union Railway Company;" and for the purpose of said subscription, and providing means for paying the same, the said section is hereby declared to be in full force and effect; the bonds issued to pay said subscription shall be the bonds of Fayette county, but the taxes levied for the payment of said bonds and interest shall not be levied on any real estate situated in the corporate limits of the city of Lexington as at present constituted, or upon personal property of persons residing within the city.

Bonds.

§ 4. No bonds shall be issued under the provisions of this act unless work on the grading and construction of said railway, in addition to that now constructed from Kentucky Union Junction, in Clark county, to Clay City, in Powell county, shall be actually commenced within ninety days from the approval hereof; nor shall any of said bonds be issued unless said railway company shall, within twenty-four months from the date of approval of this act, complete its road so that a train of cars shall run over the same on a separate road-bed of its own, and not over the road-bed or right of way of any other road, in a continuous line from the city of Lexington to Breathitt county.

Acts repealed.

§ 5. That the act, entitled "An act to repeal all acts and parts of acts, so far as the same authorize the county of Fayette and the city of Lexington hereafter to subscribe stock in railroad companies," approved April 22d, 1880, be, and the same is hereby, repealed so far, and only so far, as it is in conflict with the

provisions of this act; and said act, which was approved April 22d, 1880, except in so far as it conflicts with this act, is declared to be in full force and effect.

§ 6. This act shall take effect from its passage.

[Became a law without approval of Governor March 28, 1888.]

CHAPTER 739.

AN ACT to incorporate the Lexington and Madison Railway Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Sidney E. Haight, Charles A. Korbly, L. Incorporators.
O. Cox, J. C. Fawcett, Henry Winslow, and Evan E. Settle, their associates, successors and assigns, who may become stockholders, be, and they are hereby, created a body-politic and corporate, by the name and style of the Lexington and Madison Railway Com- Corporate name.
pany; and by that name shall have perpetual succession, and be capable of suing and being sued; may have a common seal, and alter the same at pleasure; may have power to contract and be contracted with, and acquire, hold and transfer real and personal property, and to do any and every other thing necessary, proper or convenient to be done to carry out and facilitate the execution or operation of the purposes of this corporation as completely as a natural person might do.

§ 2. The capital stock of said company may be any Capital stock.
amount not exceeding thirty thousand dollars (\$30,000) per mile for each mile of railroad which said company shall build or own in this State, to be divided into shares of one hundred dollars (\$100) each; and individuals, railroad companies and other corporations, either in or out of this State, are authorized to subscribe for and hold stock in said company.

§ 3. The corporators named in the first section, or Corporators named to act.
such of them as may act, shall constitute the first

connecting with said railroad or branches, and upon such terms as may be agreed upon between the companies so uniting, connecting or consolidating; and for that purpose full power is hereby given to said company to make and execute such contracts with any other company as may secure the objects of such connection by lease or otherwise. Said company may also sell the said railroad and franchises appertaining thereto, or lease the same, and may build branches from said road and branches from said branches.

May sell their road.

§ 9. That any county through which the Lexington and Madison Railway, or any branch or branches of the same, may be constructed or propose to be constructed, and any cities, towns, or magisterial precinct or precincts of said counties, may subscribe to the capital stock of the said railway company as herein provided, and may pay therefor in the negotiable coupon bonds of said counties, cities, towns, or magisterial precinct or precincts, payable not more than thirty (30) years after date, and bearing interest at a rate not exceeding six (6) per cent. per annum, payable semi-annually; and which bonds and interest shall be payable at a place designated therein.

Counties and cities may subscribe stock.

§ 10. Whenever application shall be made to the county judge with reference to counties or parts of counties, or to the city council in reference to cities, or town trustees in reference to towns, by said railway company, requesting that the question of subscribing to the capital stock of said railway company, upon the terms and conditions set forth in said application, be submitted to a vote of the legal voters of such county, part of county, city or town, the county court, a majority of the justices in commission consenting, city council, or town trustees, to whom said application is addressed, shall respectively order an election to be held in such county, part of county, city or town, as the case may be, on a day named in the order, not later than thirty days after the making of said order, to ascertain the sense of the legal voters in the terri-

How application for aid is to be made.

Court to order vote taken.

tory to be affected upon the question of making such subscription ; and to cause notice thereof to be published in such county in a newspaper published therein not less than ten days, and to be posted at the courthouse door in such county, and at such other public places therein as may be directed by said order ; and at such election votes shall be received "for the railway subscription" and "against the railway subscription." Officers of such election shall, when the territory to be affected is the county or magisterial precinct or precincts therein, be appointed and hold such election, and make return thereof to the county judge thereof, in the manner provided in ordinary county elections ; and when the territory to be affected is a city or town, in the manner provided for officers of election in cases of city or town elections: *Provided, however,* That no subscription to the capital stock of this company shall be made by the city of Lexington or county of Fayette ; nor shall any tax be levied in either said city or county in aid of said railway company. Officers of election.

§ 11. As soon as may be thereafter, it shall be ascertained by the tribunal appointed by law, if a majority of the legal votes cast at such election were in favor of such subscription ; and if they were, the county judge, city council or town trustees, as the case may be, shall thereupon enter an order subscribing in behalf of the territory affected to the capital stock of said railway company, in accordance with the terms of the proposition voted on ; and the said county judge, city council, or town trustees, as the case may be, shall thereupon cause to be prepared and execute, for and on behalf of the territory affected, the negotiable coupon bonds of such county, part of county, city or town, which, in case of the county or part of county, shall be signed by the county judge, and attested by the county court clerk with his official seal affixed thereto ; and which, in case of a city, shall be signed by the mayor, who shall affix the corporate seal of the

city thereto ; and which, in case of a town, shall be signed by the president of the board of trustees, who shall affix the corporate seal of the town thereto.

Precinct elections.

§ 12. Whenever any magisterial precinct or precincts in any county shall subscribe to the stock of said company under the provisions of this act, it shall be the duty of the county judge and clerk of such county to sign, execute, issue and deliver the bonds of such precinct or precincts in payment thereof, in every respect as if such subscription had been made by the county, except that the bonds shall show on their face the precinct or precincts for which they are issued, and such precinct or precincts shall be alone bound to pay said bonds and their interest.

When bonds are to be delivered.

§ 13. When the bonds of the territory affected shall be issued and delivered as herein directed, it shall receive certificates for the stock subscribed, and such bonds shall be deposited with some trust company, to be held in escrow, and delivered to the railway company when it shall become entitled to the same, by complying with the terms upon which the vote was taken.

Annual tax to be levied.

§ 14. An annual tax sufficient to pay the semi-annual installments of interest on such bonds, and the principal when it shall become due, shall be collected and paid out by the officers of such county, city or town, as provided in case of other county, city or town taxes.

Company may issue bonds.

§ 15. The Lexington and Madison Railway Company, in order to raise means for the construction, equipment and operation of its railroad, may issue and sell the bonds of said company, of the denomination of one thousand dollars each, to an amount not exceeding thirty thousand dollars (\$30,000) per mile for each mile of railroad which said company may build, contract to build, or own in this State, bearing not exceeding six (6) per cent. per annum interest, payable semi-annually, with interest coupons attached, to be made payable as said company may

direct, not exceeding fifty years from their date of issue; and secure the payment of the principal and interest thereof by a mortgage or deed of trust, conveying said railroad and other property and franchises of said corporation to a trustee or trustees, and from time to time fill vacancies that may occur in the office of trustee, with such covenants and stipulations as may be necessary to effect the purpose and objects of its execution.

§ 16. The directors of said company may make contracts with any corporation, company, individual or individuals for constructing and equipping said railroad and branches, or any part thereof, and pay for the same wholly or partially in the stock, bonds or other property of said company, in such manner and upon such conditions as may be deemed for the best interests of said company. May contract for construction of road.

§ 17. That it shall be lawful for the corporate authorities of any incorporated city or town through which said railroad or any of its branches shall be located, to donate or lease to said railway company as right of way the right to lay a single or double track through said city or town, or any portion of the same, on any street or highway that the said railway company shall select for that purpose. City or towns may grant right of way.

§ 18. The board of directors of said company shall have power to establish such rates of toll for the conveyance of persons and property on their said railroad and branches not exceeding the rates charged by other railroads in this State, or which may be established by general law regulating charges for freight and passage on railroads in this Commonwealth. Rates of toll.

§ 19. The preliminary survey of this road shall be made within one year, and work in good faith begun in the construction of said road within two years, otherwise this charter shall be forfeited. Time for beginning work.

§ 20. This act shall take effect from its passage.

[Became a law without approval of Governor March 28, 1888.]

CHAPTER 740.

AN ACT to authorize the people of Casey county to vote on prohibiting the sale of liquors, and fixing the penalty for the sale of liquors in said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the officers appointed by the county court of Casey county to hold elections in said county in the year 1888, are hereby authorized and directed to open a poll at the various voting places in said county on the first Saturday in the month of October, 1888, to take the sense of legal voters on the question of prohibiting the sale of liquor in said county. The polls shall be kept open by the officers of election from 7 o'clock, A. M., to 6 o'clock, P. M.; and the question shall be put to each voter, "Are you for or against the sale of liquor in Casey county?"

§ 2. The poll-books of the election ordered by the first section of this act shall be returned to the clerk's office of Casey county by the Wednesday after the election, properly sealed and signed by the officers holding said election, as other poll-books are by law required to be signed and sealed. Said books shall be opened by the county judge, clerk and sheriff, and the votes by them counted; and if it shall be shown by said count that a majority of those voting at said election have voted for prohibiting the sale of liquor in said county, the result shall be so declared by being entered on the order-books of said county court of Casey.

§ 3. That if it be ascertained, by the election ordered by the first section of this act, that a majority of those voting at said election voted to prohibit the sale of liquor in said county, then it shall be unlawful, from and after the entry of the result of said election in the order-book of the clerk's office, for any person or persons to sell spirituous, vinous or

malt liquors in said county: *Provided*, That any person or persons who may, at the time of said election, have license to sell liquor as a beverage, may continue to do so until the expiration of the time for which the license was given.

§ 4. That after the entry of the result of said election shall have been made, the sale of spirituous, vinous or malt liquors in said county shall be considered a misdemeanor, and punished by a fine of not less than ten nor more than fifty dollars for each offense, and each sale shall be considered a separate offense.

§ 5. That the county judge, police judge and magistrates of said county are authorized to issue a warrant of arrest, upon the oath of any respectable citizen of said county, against any one charged with the offense of violating the third section of this law, without indictment by a grand jury: *Provided*, The Commonwealth attorney or the defendant may demand and have a jury to try the case.

§ 6. That should a majority of those voting at said election vote against prohibiting of the sale of liquor in said county, authority is hereby given the county judge of Casey county to call another election for the same purpose, at some other time not less than one year from the time of holding the first election; and should a majority of the voters who voted at the second election vote against the sale of liquor in said county, and the result thereof entered of record, then the provisions of this act shall at once thereafter be in full force and effect as though a majority had voted for prohibition at the first election authorized by this act.

§ 7. This act shall be in force from its passage.

Approved March 27, 1888.

CHAPTER 741.

AN ACT to amend the charter of the Fayette Building and Loan Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act to incorporate the Fayette Building and Loan Association, approved February 29, 1888, be, and the same is hereby, amended as follows : By striking of the fifth section of said act, and inserting and enacting in lieu thereof as the fifth section, the following, to-wit : Section 5. The object of said association being to enable its members, by their earnings and savings, to acquire homes and other property, its business shall be to loan its capital stock as paid in, and the accumulations thereof, only upon mortgages and loans upon real estate ample in amount to secure the same, preference being given in all cases to members of said association ; and said loans shall be made at such rate of interest, not exceeding six per cent., as may be agreed by the parties thereto, together with such premiums therefor as may be offered by the parties to whom the loans may be made.

§ 2. The board of directors shall consist of any number fixed in the by-laws not exceeding eleven.

§ 3. That said association may provide in its by-laws upon what terms persons may enter and stock subscribed in any particular class, and upon what terms members may withdraw from any particular class ; and so much of the act to which this is an amendment as requires persons entering a class after it shall have commenced operations to pay up equal in amount with those first entering such class, be, and the same is hereby, repealed.

§ 4. This act shall take effect and be in force from and after its passage.

Approved March 27, 1888.

CHAPTER 742.

AN ACT to amend an act, entitled "An act to regulate the sale of spirituous, vinous or malt liquors in this Commonwealth," so far as it applies to the counties of Menefee, Powell and Wolfe.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to regulate the sale of spirituous, vinous or malt liquors in this Commonwealth," approved January 26, 1874, be, and the same is hereby, amended by adding the word "county" as follows, to-wit: Before the words "civil district" in the fourth, eighth and tenth lines in section one; and before the words "civil district" in the seventh line in section three; and before the word "district" in the sixth line of section four; and before the word "district" in the third line of section five; and before the word "district" in the fourth and sixth lines of section six; and before the word "town" in the second line of section nine.

§ 2. That the election provided for in the act to which this is an amendment to take the sense of the people "as to whether they are for or against the sale of spirituous, vinous or malt liquors," shall not be held on the day of any regular State, town, county, city or district election, but the county court shall name in the order the day on which it shall be held.

§ 3. This act shall only apply to Menefee, Powell and Wolfe counties.

§ 4. This act shall take effect and be in force from and after its passage.

Approved March 27, 1888.

CHAPTER 743.

AN ACT to empower Fayette county to make subscriptions to the capital of Jack's Creek Turnpike Road.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the county court of Fayette county, a majority of the justices of said county concurring, to make subscription of stock for macadamizing the Jack's Creek Road, in said county: *Provided*, Said subscription shall not exceed sixteen hundred dollars per mile, and a like proportion for every fraction thereof: *And provided*, That no money so subscribed by said court shall be paid except on the terms and conditions now provided by law.

§ 2. This act to take effect from its passage.

Approved March 27, 1888.

CHAPTER 744.

AN ACT to incorporate the Twenty-second and Walnut Streets Baptist Church, of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John H. Weller, Heslop H. McCulloch, Jas. M. Dinwiddie, Jas. H. Morris, Jas. H. Howard and Frank I. Brocar, trustees of the Twenty-second and Walnut Streets Baptist Church, of Louisville, and their successors as such, be, and they are hereby, created a body-politic and corporate, by the name and style of the Trustees of the Twenty-second and Walnut Streets Baptist Church, of Louisville; and by that name shall have perpetual succession and a common seal, or may use their own individual seals or scrolls; and may sue or be sued, plead or be impleaded, in any court of law or equity in this State.

§ 2. That when any vacancy in said board may occur by death, resignation or otherwise, or other disqualification to act, to be judged of by the church at a regular business meeting, it shall be competent for the members of said church to fill such vacancy or vacancies at any regular business meeting. Said church shall also have power to remove from office any one or more of said trustees, a majority of all the members present at a regular business meeting concurring therein, and may proceed to fill such vacancy in the manner provided above for filling vacancies: *Provided*, That no removal or appointment of a trustee shall take place until notice of such intention has been given at a previous regular business meeting of the church.

§ 3. That the above-named trustees and their successors are hereby invested with power to receive a conveyance of a lot of ground on the south-west corner of Twenty-second and Walnut streets, in Louisville, upon which a church edifice has been erected, and which is now occupied by said Twenty-second and Walnut Streets Baptist Church; also to purchase and receive title to other ground not exceeding ———, with its appurtenances, for a burial-ground or other church purposes; but the said lots or parcels of ground shall be held by said trustees or their successors for the entire and exclusive use and benefit of the Twenty-second and Walnut Streets Baptist Church, of Louisville, or such portion thereof (should there ever be a schism) as adhere to the present articles of faith as now held by said church forever.

§ 4. That said trustees, or their successors, shall have, and they are hereby vested with, power to sell and convey the title which they hold or may hereafter hold in trust for said church, in any lot or piece of ground, whenever and to whom the said church shall direct at a regular business meeting, or make such other disposition of the same as said

church may order, notice having been given at a previous meeting of such intended sale or disposition, and not otherwise; and to do and perform all acts common to limited corporations not in conflict with the laws of this State.

§ 5. This act shall take effect from its passage.

Approved March 27, 1888.

CHAPTER 745.

AN AOT to amend an act, entitled 'An act to create a special road law for Grant county,' approved March 20, 1880

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Grant county court, composed of the
Ad valorem tax. presiding judge and a majority of the justices of the
peace of said county, are hereby authorized to levy an
annual tax of ten cents on each one hundred dollars'
worth of the taxable property in Grant county, by
magisterial districts, and not exceeding three dollars
Poll tax. poll tax on each voter in said county, by districts, for
the purpose of working and repairing the dirt roads
in said county.

§ 2. That the tax authorized to be levied under the first section of this act may be levied by magisterial districts, when the two justices in any such district shall apply to the county court, when composed as aforesaid, for the levy of said tax in the district represented by them, and when it shall appear to the satisfaction of the court that said tax is desired by any magisterial district in Grant county. The court may levy the said tax upon all of the taxable property in said district, and also by a poll tax of not exceeding three dollars upon each voter in such district; and the ad valorem tax so levied shall not exceed ten (10) cents on each hundred dollars' worth of property in such district for any one year.

§ 3. That said tax shall not be levied in any district in Grant county unless the justices of the peace representing such district shall apply to the court for the levy of said tax, when the court may levy said tax, if they shall be satisfied that the same is proper and right; and when said tax shall be levied in any district, the same shall be paid in the same manner, and appropriated in the same way, as is now authorized by the act to which this is an amendment.

§ 4. That in all magisterial districts where said tax is not levied, the dirt roads therein shall be worked and kept in repair as now provided by the General Statutes of the State of Kentucky; and it shall be the duty of the county court to appoint the proper officers, and cause said roads to be worked in accordance with the general laws of this State.

§ 5. That all taxes heretofore levied upon the Cincinnati Southern Railroad and the property belonging thereto, in whatever name the same may have assessed, which may have been levied under or by virtue of the act to which this is an amendment, shall, when collected, be paid, by the person who collects the same, into the county treasury of Grant county; and any officer now having in his hands any taxes levied and collected under the act to which this is an amendment shall pay the same into the county treasury of Grant county, and the county court shall apply the same, when paid in, to the payment of any debt created for the purpose of building bridges or turnpike roads in said county, or they may, in the discretion of said court, apply the same in aid of the county levy.

To be paid to treasurer.

§ 6. This act shall take effect from its passage, and repeals all laws in conflict herewith.

Approved March 27, 1888.

CHAPTER 746.

AN ACT to incorporate the Bell County Building and Loan Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Incorporators. § 1. That David G. Colson, James S. Bingham, W. G. Colson, and W. B. Moss, their associates, successors and assigns, be, and they are hereby, created and constituted a body-corporate, under the name and **Name.** style of the Bell County Building and Loan Association ; and by that name may sue and be sued, plead and be impleaded ; shall have perpetual succession ; may have and use a common seal ; may acquire and hold real and personal estate, and sell and convey the same ; and shall have and possess such other powers as are consistent with the objects of the Association, and not contrary to the laws of this Commonwealth and those of the United States.

Officers. § 2. The officers of the association shall be a president, a vice-president, solicitor, secretary, and assistant secretary, if one be deemed necessary, and a treasurer, and any number of directors not exceeding-nine ; and until the first election of officers hereinafter provided for the corporators herein named, or their successors and assigns, shall constitute the first board of directors, and shall hold their places as such directors until the first election, which shall be held in July, eighteen hundred and eighty-nine, and on the same day annually thereafter. The officers of the association shall be elected by the first board of directors from among their own number, and these shall hold their respective offices until their successors are elected and take their places ; and thereafter the general officers shall be elected by the board of directors, either from among their own number or from among the stockholders.

Vote. § 3. In elections and at meetings for the transactions of other business, each member shall be entitled to

one vote for each share of stock held by him: *Provided*, That women and infants, members of the association, may vote by proxy, married women and infants by their husbands and guardians, other women by any member of the association selected by them, in writing, to act for them.

§ 4. The corporators above named, or any of them, shall open books for the subscription of stock; and whenever one hundred shares shall be subscribed, said association may go into operation; other shares may subsequently be subscribed until the stock in each class shall be complete. The subscribers in any class shall pay correspondingly to the dues paid by original subscribers, with interest at such rate, not exceeding six per cent., as the association may prescribe in its by-laws: *Provided*, That no stockholder shall hold or acquire at any time a majority of the shares in any one class; stock in all classes shall be transferable on the books of said association as may be provided in its by-laws. Books for subscription.

§ 5. The object of this association being to enable Object. its members, by their savings and accumulations, to acquire homes and other property, its business shall be to loan its capital as paid in, and the accumulations thereof, only upon mortgages and liens upon real estate, and good collateral, ample in amount to secure the same, preference being given in all cases to members of the association; and said loans shall be made at such rate of interest, not exceeding six per cent., as may be agreed by the parties thereto.

§ 6. The corporation may provide in its by-laws By-laws. what reasonable penalties shall attach for failure to pay the installments of stock at the time fixed therefor, and shall have full power to enforce such penalties by reasonable fine or forfeiture of such stock. It may provide also upon what terms members desiring to do so may withdraw from the association; and may also direct what officers shall be required to execute bonds with security for the faithful performance of

their duties, and the amount of penalties in such bonds; and said bonds, when executed, shall be fully binding upon the obligors thereon; and may of members require the payment in advance, as may be fixed, of an amount per week, monthly or annually, of a contribution by way of payment of ordinary expenses on each share, and also fix an invitation fee on each share.

Rules.

§ 7. The officers and directors may, from time to time, adopt any rules for conducting the business of the association applicable to the entire association, or particular rules or sets of rules applicable to each class, which rules and by-laws may be altered and changed, from time to time, in such manner as may be provided in the original by-laws, none of which, however, shall be in conflict with this act or the general law.

Powers.

§ 8. Said corporation, for the purpose of erecting buildings or securing lands, either as a general investment or for the purpose of sale, or for the benefit of members, upon such terms as may be agreed upon, or for other good purposes in accord with the safety and good of the association or any of its classes, may issue its bonds; but no bonds shall be issued without the consent of the association, which bonds shall bear a rate of interest not exceeding six per cent. per annum, payable annually or semi-annually.

Liens.

§ 9. In addition to the mortgage or other lien, or other security which may be given by a stockholder to the association to secure any loan which may be made, a first lien is hereby given to the association upon the interest and stock of any such share-holder in said association to secure it in such indebtedness.

New classes.

§ 10. A new class or classes may be opened, and deposits or dues paid in thereon, at any time the board of directors may determine; the board of directors and officers, as heretofore provided, shall be elected by the stockholders of the class longest in existence; and there shall be but one board of di-

rectors, and these shall have the government of all the affairs of the association; each class shall be known and designated by a particular letter of the alphabet or number; no part of the profit or loss of any one class shall be credited to or charged against any other class, but in all things, except as herein provided, each class shall be treated as separate and distinct; but two or more classes may be opened and conducted at the same time.

§ 11. No class shall consist of less than one hundred shares; no weekly or other dues or payment on a share shall be greater than five dollars or less than twenty-five cents; installments or dues may be required to be paid at such times and periods as the board of directors may fix; shares may be fixed at not less than one hundred and not more than one thousand dollars par value; shares may be required to continue for a certain designated time, or until the net accumulations will enable the shares of a class to realize a designated sum; interest on loans may, by agreement, be charged and deducted from the sum loaned in advance, but the rate of interest shall not exceed six per cent.

§ 12. Provisions may be made in the by-laws, if deemed expedient, for allowing stockholders in any particular class to withdraw from any such class, or from the association, upon such terms as may be fair and just; and the board of directors, if they deem it expedient, may open a building class, in which, with a borrowed or paid-up fund, land may be purchased and buildings erected, to be sold to the members of such class or others, preference being always given to members, and paid for in such manner and on such payments as may be agreed upon.

§ 13. The board of directors may employ such attorneys and agents to act for the association as in their judgment the business may require, and may fix the compensation for the services performed.

§ 14. Said association may write and consolidate

with any other association of a similar character doing business in the county of Bell, upon such terms as may be mutually agreed upon ; and all stock formed and opened under this act, and the stock of any association uniting and consolidating with it, shall, in all respects, be on the same footing, entitled to the same privileges and rights, as may be the stock and shares of such association and of this association, and liable to the same restrictions and burdens ; and in the event of a consolidation, the consolidated associations may continue under the corporate name hereinbefore stated, or that of the association uniting with this one.

No banking
privileges.

§ 15. Nothing in this act shall be construed as investing this association with any banking privileges, beyond the mere power to lend its funds and take mortgages and liens to secure the same ; no reserve fund shall be accumulated, but its funds shall, as far as practicable, be kept loaned out, preference always being given to members, and loaned to others only when members do not desire to borrow. No class shall have any advantage over any other class ; all members in a particular class shall stand on an equal footing with the members in the same class ; no lands shall be held or owned outside of Bell county, unless in some contingency the association should be compelled to buy such to secure a debt, and in that event such lands shall be held no longer than such reasonable time as will allow the association to dispose of the same to secure the payment of its debt ; and no real property shall be owned by the association within Bell county as an investment, or for sale to and benefit of members, to a greater amount than one hundred thousand dollars, nor shall bonds of the association be issued for any purpose to a greater amount than that sum.

§ 16. This act shall take effect and be in force from and after its passage.

Approved March 27, 1888.

CHAPTER 747.

AN ACT to incorporate the Pleasureville, Oakland and Sweet Home Turnpike Road.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. A company may be formed and created a body- Corporate name.
politic and corporate, by the name and style of the
“Pleasureville, Oakland and Sweet Home Turnpike
Road Company,” for the purpose of making a turn- Object.
pike road from the town of Pleasureville Depot to a
point near where the Sweet Home pike road intersects
the pike road on the road known as the old Frankfort
road, also to the Cropper’s and Stiver’s Mill pike road
at a point near George Williams’ mill, all of said
road being in Shelby county, Kentucky, except about
one-fourth of a mile. The said road to be located by
five of the commissioners of this charter, to be elected
or appointed by the said commissioners.

§ 2. The capital stock of said company shall not Capital stock.
exceed the sum of ten thousand dollars, divided into
shares of twenty-five dollars each, subscribed in the
manner hereinafter set forth.

§ 3. A book for subscription of stock in said Commissioners.
company may be opened at any time by Robert G.
Bergen, J. P. Bryant, Wesly Hall, J. T. Campbell,
E. W. Easley, J. R. Elkins, T. H. Hancock, T. C. Ire-
land, J. N. Johnston, S. D. Kesler, E. B. Nash, M. H.
Rucker, Geo. F. Shipman, R. H. Shuck, Thomas Shee-
han, and Ben F. Williams, who are appointed com-
missioners for that purpose, and who, or any of them,
may solicit subscription for that purpose, in which
book the persons proposing to become stockholders in
said shall enter into an obligation in words as follows,
viz: We, whose names are hereto subscribed, do
promise to pay to the Pleasureville, Oakland and
Sweet Home Turnpike Road Company the sum of
twenty-five dollars for each share of stock in said

company set opposite our names, respectfully, in such manner and proportions, and at such times, as shall be required by said company.

Subscription
books.

§ 4. The books for the subscription of said stock shall remain open at the option of the company, or until the whole of the capital stock shall have been subscribed.

Meeting.

Notice.

§ 5. As soon as twenty shares are subscribed, the said commissioners, or any of them who may act, may give notice for a meeting of the subscribers to the capital stock of said company, to be held at Pleasureville Depot, Kentucky, for the purpose of choosing a president and five directors to manage the affairs of the said company, said notice to be given by written notice posted at the depot in Pleasureville seven days before said meeting. Said commissioners, or any three of them who may be present at said meeting, may take the votes of those who shall have subscribed to the capital stock of the said company, and shall allow each person who shall have so taken stock to vote once, in person or by written proxy, for each and every share of stock so subscribed ; and said commissioners present shall declare the person having the highest number of votes cast for him as president to be duly elected president, and the five persons having the highest number of votes cast for them as directors to be duly elected directors ; and in case of a tie, the commissioners so acting, or a majority of them, shall cast the deciding vote ; and thereafter, on the second Saturday in January in each year, the president and directors for said company shall be elected at such place as the president and directors then in office shall designate, of which written notices shall be given by being posted at the depot in said town aforesaid at least four weeks before the election, at which election the officers of said company, or any three of whom, may preside, and conduct the same in the manner above specified : *Provided*, No person not a stockholder in the said company shall be eligible to the office of president or directors.

§ 6. The said president and directors shall, before ^{Oath.} they enter upon the duties of their offices, take an oath before some justice of the peace, police judge or clerk of a court, that they will faithfully, and to the best of their skill and ability, discharge the duties of their respective offices in said company. Upon the qualification of the president and directors they shall elect a treasurer, secretary, and such other officers as they may deem necessary, who shall hold their offices at the pleasure of the president and directors. The president and directors shall hold their offices until their successors are duly elected and qualified.

§ 7. Upon the election and qualification of the presi- ^{Corporate.} dent and directors aforesaid they shall be a body-politic and corporate, in deed and in law, by the name, style and title of the Pleasureville, Oakland and Sweet Home Turnpik Road Company; and by the said name the said company shall have perpetual succession, and all the privileges and franchise incident to a corporation; and shall be capable of taking and holding their capital stock, and the increase and profits thereof, and of purchasing and holding, to them and their successors and assigns, and of selling and transferring and conveying, all such lands, tenements and estates, real and personal, as shall be deemed necessary to them in the management of its affairs; and to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered, in all the courts of this Commonwealth, or in every other place whatever, and to do all and every matter and thing which a natural person may do.

§ 8. The private property of the stockholders shall not be subject to, nor in any way be bound for, the debts of the company.

§ 9. Said company shall fix and regulate the eleva- ^{Grade.} tion and grade of the said road, the width of the part thereof to be covered with stone; also the thickness, not to be less than the law of Shelby county, Kentucky, and designate the points of commencement

and termination and route of the road, and the points of erection of toll-gates.

Call meetings. § 10. The president may call meetings of the directors at such times and places as he may think proper. Two of said directors and the president, or three of the directors in the absence of the president, shall constitute a quorum for the transaction of business; and in case of the death or absence of the president, the directors may elect a president *pro tempore*, and may fill vacancies in their board when any occur, from any cause, until the next regular election, or their successors are duly elected and qualified.

Condemn land. § 11. In case the said company shall be unable to agree with the owner of any lands for the right of way through the same, it may make application to the presiding judge of the county court in which that part of the road is located for the appointment of three commissioners, who shall, after taking an oath that they will faithfully and to the best of their ability discharge the duties of their position, proceed to view such land and assess the value thereof, and the damages which the owner or owners thereof will sustain by reason of the location of said road; but in assessing the damages which the owner or owners of such land will sustain by reason of the location of said road, said commissioners shall take into consideration the advantages resulting to the adjoining lands of the proprietor by reason of such location. Said commissioners shall report in writing to the said presiding judge, and thereupon he shall cause notice to be given to the proprietors of such land or their agents or representatives, to appear, at the expiration of ten days, and show cause why such report should not be confirmed and the right of way vested in said company. If any of said owners are infants or persons of unsound mind, a *guardian ad litem* shall be appointed as in other cases. In case such owner fails to appear, or having appeared, fails to make any exceptions to said report, the presiding judge

shall confirm the same and make an order vesting the right of way in said company. In case exceptions are made to said report by the owner of the lands or the company, the said county judge shall decide upon the same. In case either party shall be dissatisfied with the judgment thereon, an appeal may be taken to the circuit court as in other civil cases.

§ 12. No judgment shall be rendered vesting the ^{Judgment.} right of way in said company until the value of the land and the damages assessed by the commissioners or by the judge shall have been paid to the owners or his authorized agent, or deposited in court for such owner.

§ 13. The rate of toll and the distance to be built ^{Toll.} for a gate thereon to be governed by the general law of the Commonwealth and of Shelby county; and if any person liable to pay toll on said road, at any gate erected in conformity with this act, shall, directly or indirectly, evade the same, such person or persons so offending, for every such offense shall forfeit and pay to the company the sum of ten dollars, recoverable before any justice of the peace in like manner as other debts of equal amounts.

§ 14. The commissioners appointed to receive sub-<sup>Powers of com-
missioners.</sup>scriptions of stock, or any of them, are hereby authorized to take a release of the ground and right of way from the persons through whose lands said road may pass and be constructed, and a grant of material that may be necessary to construct or repair said road.

§ 15. The company shall have full power to permit ^{Work out stock.} any stockholder to work out his or her stock in said road that she or he may have subscribed, or any part thereof, at an agreed price.

§ 16. That the president and directors may, if they <sup>Ditches and
drains.</sup> deem necessary, cause to be condemned along the route of the proposed road not exceeding forty feet in width, upon which to construct said road and all necessary ditches and drains.

Treasurer. § 17. All moneys to which the company may be entitled, and which may be received by it, or any of its officers or agents, shall be paid over to the treasurer, and shall be paid out by him only upon the order of the board of directors, as shall appear from the records of the company, and a certificate therefrom, signed by the president, and presented to said treasurer for payment.

Purchase other turnpikes. § 18. The said company shall have power and authority to purchase any turnpike road with which its road may connect, or to purchase any part thereof, or interest therein, which it may desire, together with all the rights and franchises, of whatsoever kind or nature, belonging thereto.

Bonds. § 19. The said company shall have full power to and authority to issue any bonds for the purpose of raising money to pay off any indebtedness of the company, or to raise money for the purpose of building or completing said road; and when the company shall desire to raise money for any such purpose, and shall so direct, the president of the road shall have full power and authority to convey, by deed of mortgage for said purpose, acknowledged by him for and on behalf of said company, and recorded in the clerk's offices, in which county the said road is located, the said road, together with all of its lands, tenements, appurtenances, rights, privileges and franchises, to a trustee for the security of the payment of said bonds.

Toll money. § 20. The money received from tolls on said road shall be expended, so far as necessary, in keeping the same in good order, and the remainder shall be applied to the payment of the principal and interest of the bonds authorized by this act, in case any shall be issued. Said company may use any part of the net earnings of the road in purchasing its bonds before maturity, and the surplus money of the company, after the completion of the road and the payment of said bonds, if any are issued, shall be distributed

among the stockholders in proportion to the amount of stock held and owned by them respectively, by dividend declared at such times and in such manners as the company may see fit.

§ 21. This act shall take effect from its passage.

Approved March 27, 1888.

CHAPTER 748.

AN ACT to consolidate common school district No. 88, in Marshall county, with the Marshall County Seminary at Benton, in said county, and to provide for the levy of a school tax in said district.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of the Marshall County Seminary, and their successors in office, shall also be trustees of common school district No. 38, in Marshall county, and their appointment shall remain as now provided by law.

§ 2. That said board of trustees, a majority concurring, may once in each year submit the proposition of a school tax to the voters of said district, authorized to vote under the common school laws of this State, after first posting written or printed notices, in five or more conspicuous places in said district, at least fifteen days before the vote is taken, that an election will be held, at a time and place to be stated in said notices, to take the sense of the qualified voters of said district upon the question of levying an ad valorem tax of not exceeding fifty cents on each one hundred dollars' worth of property in said district, subject to taxation for revenue purposes; and also a per capita tax, of not less than one dollar nor more than two dollars and fifty cents, upon each person authorized to vote under this section of this act.

§ 3. For the purpose of taking the vote provided for in section 2 of this act, it shall be the duty of the clerk of said board of trustees to prepare a suitable

poll-book for the purpose of taking the vote upon said question, in which poll-book there shall be two columns, one headed "For school tax," and the other "Against school tax;" and the clerk of said board shall act as clerk of the election provided for in this act, who, in conjunction with two suitable persons, to be appointed by the county judge to act as judges of said election, shall hold said election. The election herein provided for shall be held on the day specified in the notices provided for in section 2 of this act, and between the hours of 7 o'clock A. M. and 6 o'clock P. M., and the clerk shall record the names of those voting for or against said tax as given; said tax, when voted, levied, and collected, as provided in this act, shall be used, in conjunction with the common school fund due said district, for the purpose of paying teachers to teach a common school of five months in said district in each year, which school shall be free to all the white children in said district within the common school age.

§ 4. It shall be the duty of the officers holding the election herein provided for to return said poll-book, with the result of said election properly certified, as required by law in similar elections, to said board of trustees, together with a copy of the notice of said election; and it shall be the duty of said board of trustees to cause the same to be recorded on the record-book or books kept by said board of trustees.

§ 5. It shall be the duty of said board of trustees, within five days after any election held under the provisions of this act and the return of the poll-books as herein provided for, by suitable orders, entered upon the record books of said board, to levy a tax of not exceeding fifty cents on each one hundred dollars' worth of taxable property in said district, and a per capita tax of not less than one dollar nor more than two dollars and fifty cents on each person in said district authorized to vote on said question under the provisions of this act; but the levy of said tax shall not con-

tinue for a longer period than one year, unless the same shall be voted by the voters of said district as herein provided for each year.

§ 6. If at any time a tax shall be voted under the provisions of this act, it shall be the duty of said board of trustees to appoint some suitable person in said district to make the assessment as herein provided for, and may agree with such person as to his compensation; said assessment, when made by such person, shall be returned by him to said board of trustees, who may, in their discretion, appoint some suitable person to supervise said assessment, who shall be sworn and have the same powers and perform like duties as county supervisors under the law.

§ 7. It shall be the duty of the sheriff of Marshall county to collect the taxes under the provisions of this act, and it shall be his duty to execute to said board of trustees a receipt for the assessor's book, or such tax book as they may cause to be prepared, and said sheriff shall be liable upon his official bond for any taxes collected under the provisions of this act, which may be collected by action or motion in the name of "The Board of Trustees of the Marshall County Seminary;" and in collecting said taxes said sheriff shall have the same powers and be subject to the same penalties as now provided by law in collection of the county levy in the county of Marshall; all taxes collected by him under the provisions of this act shall be paid over by him to the treasurer of said board of trustees, whose receipt he shall take therefor, and said treasurer shall be liable on his bond as such for any money so received.

§ 8. It shall be the duty of said board of trustees, at least once in each year, and on or before the fifteenth day of November in each year, to make a settlement with said sheriff, and to allow him such credits for delinquents, a list of which shall be made out and sworn to by him, as may appear to be just and

proper, and commission on the amount collected, and paid over to said treasurer by him, not exceeding six per cent. on the amount so collected and paid over.

§ 9. Immediately after the settlement and payment to the treasurer of said board by the sheriff, said treasurer shall report, in writing, to the said board of trustees, showing any balance in his hands from former settlements, together with the amount received by him from taxation or other sources for common school purposes for that year, which report said board shall cause to be recorded as part of the record of said board of trustees.

§ 10. The common school fund due to said district number thirty-eight, in said county, shall, in any year in which the tax herein provided for shall be voted, be paid over to the treasurer of said board of trustees by the county school superintendent out of said county, or those authorized to pay out the same; and said treasurer shall pay out all moneys coming into his hands under the provisions of this act to the teachers employed to teach the common schools in said district, but only on the orders of said board of trustees; and it shall be his duty to report and make settlement with said board of trustees touching such funds at any time when called on by them; and such reports and settlements shall be duly recorded by said board of trustees.

§ 11. All funds raised by taxation shall be used, in connection with the common school funds of said district, for the payment of teachers of the common school in said district, except the expenses in collecting said taxes.

§ 12. The board of trustees of the Marshall County Seminary shall fix the rate of tuition for all pupils attending the free school session who reside outside of said district, or not within the common school age, and residing in said district; and any pupil living in said school district, and within the school age, and attending the free school in said district, may be

charged for instructions in the classes, but for nothing else.

§ 13. The board of trustees of said seminary shall have power to confer upon graduates of said seminary such diplomas, honors, and degrees, as evidence of scholarship, as is usual in schools and colleges of like standing in this Commonwealth.

§ 14. The board of trustees shall have power to make such by-laws, rules and regulations, as may be necessary and essential for their government, not to conflict, however, with the several provisions or any provisions of this act.

§ 15. The secretary or clerk of said board shall attend all meetings of the board, keep all records and papers, and perform such other duties as the board may require.

§ 16. If, at any time, the people of said district shall fail or refuse to vote the taxes as herein provided for, it shall be lawful for said board of trustees to submit the question of taxation in said district under, and as provided in, the common school laws of this Commonwealth.

§ 17. This act shall take effect and be in force from and after its passage.

Approved March 27, 1888.

CHAPTER 749.

AN ACT to create and incorporate the Wickliffe, Cairo and Bird's Point Ferry Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That R. M. Shelton, P. H. Gupton, W. J. ^{Incorporators.} Harkless, J. O. Harkless and J. Lockhart, their associates, successors and assigns, be, and they are hereby, incorporated and made a body-politic, under the name and style of the Wickliffe, Cairo and Bird's Point ^{Name.} Ferry Company; and in that name they may contract

and be contracted with, sue and be sued, and may have a seal and alter the same at pleasure.

Rights. § 2. Said company is hereby given the exclusive right and privilege to maintain, run and operate a ferry, crossing the Ohio and Mississippi rivers from or to any point on the Kentucky shore upon said rivers, embraced within the Logan survey, to the city of Cairo, in the State of Illinois, or to Bird's Point, in the State of Missouri.

May lease. § 3. The said company may lease the privilege and rights hereby conferred for any period not exceeding ten years at a time; and they shall, within three years from the passage of this act, cause to be maintained and operated under this act a steam
Establish ferry. ferry-boat of sufficient size and capacity to ferry with convenience and dispatch all persons or property which may desire to cross said rivers, at said point; or if they fail so to do, this charter shall become and be null and void, and the rights hereby conferred cease to exist.

Organize joint stock company. § 4. In order to enable the said Shelton, Gupton, Harkless and Lockhart to carry out the object of the corporation hereby created, they may, if they elect so to do, organize a joint stock company; and for that purpose they are hereby authorized to open books for subscription to stock in said ferry company, the capital stock of which shall not exceed
Capital stock. forty thousand dollars, which shall be divided into shares of one hundred dollars each.

Organize. § 5. When as much as five thousand dollars has been subscribed to the capital stock of said company, it shall be the duty of said Shelton, Gupton, Harkless and Lockhart to give ten days' notice, by publication in any newspaper published in Ballard county, or if there be no paper published in said county, then by notice mailed to each stockholder ten days before, to call a meeting of said stockholders at Wickliffe,
Notice to be given. Kentucky, for the purpose of electing a board of
Elect directors. directors. Each stockholder shall be entitled to one

vote for each share he holds, and may vote in person Vote. or by written proxy. The stockholders shall at such meeting, and annually thereafter, elect five of their own number as directors, who shall hold their office for one year, and until their successors are elected and qualified.

§ 6. The directors so elected shall, within ten days President. thereafter, select one of their number to be president of said company, who shall hold his office for one year, and until his successor be elected and qualified. The directors may also appoint a secretary, and such Officers and agents. other officers and agents as may be necessary to carry on the business of said company, and fix the compensation of such president and officers and agents; and in all other matters and things the said president and directors shall have full control and management of the affairs of said company.

§ 7. Until the election of directors, as herein provided, the affairs of said company shall be under Present management. the control and management of the incorporators, or such officers or agents as they may select.

§ 8. Said company may enact such by-laws as may By-laws. be deemed conducive to the proper management of its business: *Provided, however,* That such by-laws shall not conflict with the Constitution or laws of this State or the United States.

§ 9. Said company may borrow money in any sum, Borrow money. not to exceed twenty thousand dollars, at any rate of interest, not to exceed ten per cent. per annum, and may execute and deliver its written obligations for same, payable at such times and places as may be agreed upon, and to secure the payment of which it may mortgage its franchise or any property which it owns. All written contracts made by the company shall be signed by the president and countersigned by the secretary, under the seal of the company.

§ 10. The stock of said company shall be trans- Stock transferable. ferable upon the books of the company only, and the company shall have a lien upon said stock to secure it in any unpaid balance thereon.

Individual prop-erty. § 11. The individual property of the stockholder shall not be liable for the debts of said company except to the extent of their unpaid stock.

Landings. § 12. Said company shall construct at, or convenient to their landing, such lots, stables and warehouses as may be necessary for the care and protection of any live stock or other property to be transported across said river, or which may be left in their charge, for all of which they may charge and receive a reasonable compensation. They shall also erect and maintain comfortable rooms for the occupancy of persons desiring to cross the rivers, and may set apart one or more such rooms for the exclusive use and occupancy of ladies while waiting the arrival or departure of the boat.

County court to fix rates. § 13. The county court of Ballard county is hereby empowered, and it is made its duty annually, at its January term, to fix, by order of said court, the toll which said company may charge for transporting persons or property across said rivers; and may also, at the same time, fix the compensation which said company may charge for the care of property at its lots, stable or warehouse. The order fixing said charges shall be copied and delivered to the president of said company; and if they shall thereafter charge a greater rate than is allowed by said order, said company shall be fined in any sum not less than fifty nor more than two hundred dollars for each offense, to be recovered by warrant or indictment before any court of competent jurisdiction; and the county court shall have the powers herein granted, whether said ferry be operated by the company or its lessee; and its lessee shall be liable to the same punishment that the company would be liable to for like offense.

Penalties.

Other companies or corporations. § 14. If any person, company or corporation, shall, after this company commences ferrying, transport any person or property across either of said rivers to or from any point upon the Kentucky shore embraced within the Logan survey, they shall be guilty of a

misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than twenty-five dollars nor more than one hundred dollars, to be recovered before any court of competent jurisdiction upon proceedings in the name of the Commonwealth; and, in addition thereto, shall be liable to said company for any damages sustained by such wrongful transportation. But nothing herein shall make it unlawful for any one owning a skiff or other craft to transport across said river himself or any member of his family, or his employe or his own property. Nor shall any thing in this act be construed as prohibiting steamboats or other craft engaged in the usual business of transportation up or down said rivers from landing at any point convenient to the town of Wickliffe, and taking on and discharging freight or persons.

§ 15. This act shall be in force from and after its passage.

Approved March 27, 1888.

CHAPTER 750.

AN ACT to authorize the county court of Letcher county to issue bonds to discharge existing indebtedness, and for the purpose of building a court-house.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Letcher county is hereby authorized and empowered, the presiding judge and a majority of the justices of the peace being present and concurring therein, to issue the bonds of Issue bonds. the county of Letcher to the amount of three (3) thousand five hundred dollars, to discharge the indebtedness of the county due and in arrears at the passage of this act.

§ 2. That the said county court, a majority of the Submit to vote. magistrates being present and concurring therein, be,

and hereby is, authorized and empowered to submit to the qualified voters of the said county, at the next or any ensuing general election, the proposition to issue the bonds of said county, in any sum not exceeding ten thousand (\$10,000) dollars, to produce a fund for the purpose of building a suitable court-house for the said county.

Notice.

§ 3. Before any such election shall be held, thirty (30) days' notice thereof shall be given, by written or printed notice, posted in five or more public places in said county ; and if a majority of the legal votes cast at such election be in favor of such proposition, then it shall be lawful for said county, the presiding judge and a majority of the justices of the peace being present and concurring, to issue the bonds authorized by the second section of this act.

Bonds payable.

§ 4. Bonds issued under the authority and provisions of this act shall be payable in not exceeding thirty (30) years from date, shall bear a rate of interest not exceeding six per centum per annum, payable annually or semi-annually, and principal and interest be payable at such place as the court may direct, and the proceeds thereof shall be separately applied as provided in the first and second sections of this act. The bonds shall be payable to bearer, and in such sums not exceeding the limit prescribed aforesaid, as the court may deem most advantageous in negotiating their sale. The presiding judge of the court shall sign the bonds, and the clerk shall countersign them and affix the seal of the court. Coupons attached to the bonds for interest shall be signed by the clerk of the county court.

Court's duty.

§ 5. The court shall have power to designate some person to negotiate a sale of the bonds and receive the proceeds upon their delivery, and hold and disburse the same under such regulations as shall be prescribed or as ordered by the court. The court shall require of such person as shall be so appointed to give bond, with good security, for the safe-keeping of

the money and the faithful discharge of all his duties in relation to said bonds. The county judge shall cause a record to be kept of all bonds issued under this act, showing amount and date of each.

Approved March 27, 1888.

CHAPTER 751.

AN ACT to amend an act, entitled "An act to charter the Maysville Water Company, and to ratify and validate the water-works ordinance of the city of Maysville and its contract thereunder with the Maysville Water Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Maysville Water Company is hereby ^{Condemn prop-} given authority, by the proceedings hereinafter stated, ^{erty.} to condemn to its use any and all kinds of property, in Maysville or Mason county, Kentucky, which it may need for the purpose of supplying water to the city of Maysville and other towns or localities near the said city.

§ 2. That whenever said corporation desires to condemn any property to its use, and shall be unable to contract with the owner or owners of any land or material necessary for its use for the purpose thereof, it shall file in the office of the clerk of the county court a particular description of the land and material which it is desired to condemn, and may apply to the county court to appoint commissioners to assess the damages the owner or owners thereof may be entitled to receive; and thereupon the said court shall appoint three impartial housekeepers of the county, who shall be sworn to faithfully and impartially discharge their duties under this act.

§ 3. It shall be the duty of said commissioners to ^{Commissioners' duties.} view the land and material, and to award to the owner or owners the value of the land or material taken; and where less than the whole of the land is taken, they

shall also award the damages, if any, resulting to the adjacent lands of the owner, considering the purposes for which it is taken ; but shall deduct from such incidental damages the value, if any, of the advantages and benefits that will accrue to such adjacent lands from the uses to which said land condemned shall be put by said corporation. They shall return a report in writing to the office of the clerk of the circuit court, stating their award, and shall describe in their report the land and material condemned, and give the names of the owners, and whether non-residents of the State, infants, of unsound mind, or married women.

§ 4. Upon the filing of said report the clerk of said court shall issue process against the owners to show cause why said report should not be confirmed, and shall make such orders as to non-residents and persons under disability as are required by the Civil Code of Practice in actions against them in the circuit court.

Duty of court.

§ 5. At the first regular term of said court, beginning not earlier than ten days after the date of the service of the summons, or thirty days from the date of the warning order, it shall be the duty of the court to examine said report, and if it shall appear to be in conformity to this act, and to the extent that no exceptions have been filed thereto by either party, it shall confirm said report ; but if said report be not in conformity to this act, the said court shall require the commissioners aforesaid to amend the same, and, if necessary, to review the land and material taken.

Exceptions.

§ 6. If exceptions shall be filed by either party, the court shall forthwith order the case to trial ; except, for cause shown, the same may be continued to a later day in the same term or in the next term, in the discretion of the court. In the trial of said case said report shall not be considered as *prima facie* evidence of the value of the land or material taken. In assessing the damages the jury shall be governed by the rule prescribed in the third section of this act. If

sufficient cause be not shown for setting aside the verdict, the court shall render judgment in conformity thereto, and shall make such orders as may be proper for the conveyance of the title upon the payment or tender of the damages assessed.

§ 7. An appeal shall lie from the judgment of the Appeal. circuit court to the Superior Court or Court of Appeals, according as the amount of damages awarded shall come within the jurisdiction of said courts.

§ 8. Upon the filing of the report of the commis- Possession. sioners as aforesaid, the company may, upon the payment or tender to the owners of the amount due as shown by the report of the commissioners, be entitled to take possession of said land and material, and to use and control the same for the purposes for which they were condemned as fully as if the title had been conveyed to it; but if the company shall be dissatisfied with the award, it may pay the amount thereof into court at the time it files its exceptions to the report, and may proceed at once to take possession of the land and material as above described, which act on the part of the company shall not prejudice its right to litigate the question of value as hereinbefore described; and if the amount of the award shall be diminished, the company shall have the right to withdraw from said fund in court the difference between the amount of the verdict and the amount of the award; but if the amount of said award shall be increased, the company shall pay into court said difference.

§ 9. All acts or parts of acts in conflict herewith are hereby repealed, in so far as they may affect this corporation.

§ 10. This act shall take effect and be in force from and after its passage.

Approved March 27, 1888.

CHAPTER 752.

AN ACT to authorize the city of Owensboro to aid the construction of the Owensboro and Indiana bridge by subscription of stock or donation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Aid to bridge.

Amount.

§ 1. That the common council of the city of Owensboro, Kentucky, be, and they are, authorized and empowered to aid and assist the construction and building of the Owensboro and Indiana bridge; and in order to induce and to encourage its speedy building at or near the city of Owensboro, across the Ohio river, said council may subscribe stock, or donate any sum, not to exceed one hundred thousand dollars, payable in the bonds of said city, which said bonds shall bear a rate of interest not exceeding five per cent. per annum, payable semi-annually, and shall mature at such time or times as the council may, by ordinance, determine, not later than thirty years after their date: *Provided*, That no such subscription of stock or donation shall be authorized, nor bonds issued in payment thereof, until after the question of such subscription or donation shall be submitted to the qualified voters of said city, and a majority of all the qualified voters of said city shall vote in favor of such subscription or donation. The common council shall designate the time when said election shall be held, and make such orders in relation to public notice of the election, and all other matters in relation thereto, as shall, in their judgment, be necessary to obtain a fair expression of the popular will upon the question. In the exercise of their own discretion, the council may, at any time, order said election on the proposition to subscribe stock or make a donation to said bridge not exceeding one hundred thousand dollars. This act shall not be construed to vest said city with power or authority to both subscribe stock

and make a donation, the true intent of this act being to authorize said city to either subscribe stock or donate any sum, not exceeding one hundred thousand dollars, to said Owensboro and Indiana bridge, but not to do both. For the purpose of determining the number of qualified voters of said city, recourse shall be had to the number listed by the city assessor at the last assessment prior to the taking of any vote under this act, or the council may cause a registration or list of the voters to be made by the city assessor or some other competent person for said purpose.

§ 2. That said bonds issued in payment of said sub- Bonds
scription or donation shall be delivered to the president of the board of directors of said bridge company only when said bridge shall have been fully completed and permanently built, and railroad trains running over the same: *Provided*, That said bridge is so built and completed within five years from the date of said election authorizing said subscription of stock or donation.

§ 3. It shall be the duty of the common council each Levy tax.
year to levy and collect a tax sufficient to pay off the bonds and the interest within a certain number of years, not exceeding fifty cents on the one hundred dollars of taxable property in said city in one year; and they may also levy an annual head or capitation tax on each tithe for the payment of said bonds and interest. Said taxes shall be levied and collected at Collected.
the same time and in the same manner and way, and under the same responsibilities, as the other taxes of the city are levied and collected; and the official bonds of the treasurer and collector shall be made and taken to cover their duties under this act, the same as they now cover their duties under the charter and ordinances of the city; and the city council and the said collecting officers shall have the same power of enforcing collection and payment of said taxes as they now have for enforcing the collection and payment of the other taxes of the city.

§ 4. The taxes thus levied and collected shall be set apart and exclusively appropriated to the purpose for which they are levied, and for no other purpose whatever.

§ 5. *Provided*, That not more than one election shall be ordered on either proposition, and never more than one election in any one year.

Notice to be
given.

§ 6. In any issue of bonds under this act, the right shall be reserved to said city to call in and pay off said bonds, or any of them, at any time after five years from the issual of said bonds. Sixty days' notice of the calling of said bonds, or any of them, shall be given by publication of such notice in any newspaper published in Owensboro, for two weeks; and at the end of said sixty days the interest on any bonds so called shall cease.

§ 7. This act shall be in force from and after its passage.

Approved March 27, 1888.

CHAPTER 753.

AN ACT to amend an act, entitled "An act to amend the charter of the Cairo and Tennessee River Railroad Company," approved February 25, 1888.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That chapter 307 of the Acts of 1888, approved February 25, be, and the same is hereby, amended as follows: *Provided*, That should this road consolidate with any other railroad company, the consolidation should be forbidden to ask a vote for further subscription of any county, city or town that has already subscribed stock, without additional legislation: *And provided further*, That when any election for subscribing stock to said railroad by any county, city or town through which said road proposes to construct

its road, that such election shall be published in the county paper, and if no such paper is published in said county, then by posted handbills in at least four public places in each voting precinct in said county, at least thirty days prior to such an election: *And provided further*, That no bonds of any county that may vote a subscription to, or take stock in said road, shall be issued to said railroad company until said road shall have constructed, operated and run its cars through said county.

§ 2. That the rate of interest on any bonds that may be issued by any county, city or town to said railroad, shall not bear a greater rate than six per cent. per annum; and that before any such election can be held or ordered, the railroad company shall deposit with the judge of such county a sufficient sum of money to pay all the expenses of holding said election.

§ 3. This act to take effect and be enforced from and after its passage.

Approved March 27, 1888.

CHAPTER 754.

AN ACT to amend an act, entitled "An act to amend the charter of Beech Grove, McLean county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the amended charter of the town of Beech Grove, McLean county, Kentucky, approved April 17, 1882, be so amended as to empower the board of trustees to annually levy and collect taxes, not exceeding twenty-five cents on each one hundred dollars' worth of all the real estate in said town, including the improvements on such real estate, and upon all personal estate, including stores and groceries. Levy tax.

§ 2. That there shall be exempt from taxation, under this act, all lands, stock and farming implements used Exempt from taxes.

exclusively for farming purposes, and within the boundary of said town, unless said land should be at any time divided into town lots, then they are to be taxed as other property. There shall also be exempt from taxation, under this act, all public property belonging to said town, any church, public school, all grounds attached to any church or public school ; all parsonages or grounds dedicated solely to such uses, and any cemetery belonging to said town.

Poll tax.

§ 3. The board of trustees shall also have power to annually assess and collect a tax, *per capita*, upon every and each male inhabitant of said town over twenty-one years of age, of not exceeding one dollar, and a tax not exceeding one dollar on each dog a person may keep, or suffer or permit to be kept, on his premises.

Streets.

§ 4. That the board of trustees of Beech Grove shall have power to lay out public grounds, streets, alleys, and highways, and to alter, extend, widen, contract, straighten, open, or continue the same. That whenever the public convenience may, in the opinion of the board of trustees, require any street or alley, lane or highway, to be opened, laid out, extended, changed, straightened, or altered, they may obtain or purchase from the owner or owners thereof such real estate as may be necessary therefor, and obtain from such owner or owners a conveyance of said real estate, which conveyance shall be recorded in the office of the clerk of the McLean county court.

Liquors.

§ 5. To regulate the tax for the selling of any ardent spirits, or other intoxicating, fermented, vinous or malt liquors, by any hotel-keeper, tavern-keeper, bar-room, coffee-house, saloon or drug store in said town, under and by virtue of the present statutory laws of this Commonwealth : *Provided*, That, in addition to the present State tax, the tax (under this act, if such traffic be tolerated in the town) upon licensed hotel, tavern or innkeepers, shall not exceed five hundred dollars for a year, and the tax upon any merchant or merchants

to sell such liquors in said town shall not exceed two hundred dollars, in addition to the amount now required by law. Said trustees shall have power to license or authorize any saloon or coffee-house-keeper to sell spirituous, vinous or malt liquors, and require each of them to pay an annual tax, not to exceed two hundred dollars a year, and no such license shall be transferable.

§ 6. To prevent and suppress any riot, rout or breach Breach of peace of the peace, noise, disturbance or disorderly conduct or assemblage.

§ 7. To prevent horse-racing, immoderate riding or Horse-racing. driving in the town, and to authorize persons immoderately riding or driving to be stopped by any person, and to punish or prohibit the abuse of animals, and to compel persons to fasten or secure their horses, mules, oxen or other animals attached to vehicles or otherwise, while standing or remaining in the streets.

§ 8. To prevent the incumbering of the streets, Obstruction of streets. sidewalks, lanes, alleys and public grounds with carriages, carts, sleighs, sleds, wheelbarrows, signs, boxes, lumber, timber, fire-wood, brick, stone, post-awnings, or any substance or material whatever.

§ 9. To restrain and regulate or prevent the run- Stock running at large. ning at large of horses and swine, and authorizing the distraining, impounding and sale of same for the penalty incurred and cost of proceedings; and also to impose penalties on the owners of such animals for a violation of any by-law or ordinance in relation thereto.

§ 10. To prevent and regulate the running at large Dogs. of dogs, and to authorize the destruction of the same when at large contrary to the by-laws or ordinances. Abate nuisances

§ 11. To abate and remove nuisance, and punish the offenders thereof by penalties of fine and imprisonment, and to define and declare what shall be deemed nuisance, and to authorize the summary abatement thereof.

Fines. § 12. That all moneys collected by tax, fines, or otherwise, shall be held by said trustees, and expended in the improvement of said town, its streets, alleys and sidewalks.

Acts repealed. § 13. That all acts or parts of acts inconsistent herewith are hereby repealed; and this act may at any time be altered, modified, or repealed, by the General Assembly of Kentucky.

§ 14. This act shall take effect from and after its passage.

Approved March 27, 1888.

CHAPTER 755.

AN ACT to incorporate the Kentucky and West Virginia Bridge Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Incorporators. § 1. That Joseph F. Hattan, A. P. Banfield, Jay H. Northup and James E. Stewart, of the State of Kentucky, and L. F. Smith, James Prichard and C. W. Ferguson, of the State of West Virginia, and their associates, successors and assigns, are hereby created a body-politic and corporate, by the name of

Name. "The Kentucky and West Virginia Bridge Company," with power to have perpetual succession; to sue and be sued by said corporate name; to have a common seal, and to alter the same at pleasure; to render the shares and interests of stockholders transferable, and to prescribe the mode of making such transfers; to make contracts, be contracted with; and to acquire and possess property necessary and convenient to the business of said corporation hereinafter set forth; and to establish by-laws and make rules and regulations for the management of the affairs of the said body-corporate.

Place of business § 2. The principal place of business of said corporation shall be at Rockville, Lawrence county,

Kentucky, but offices may be opened in Louisa, Kentucky, and in Catlettsburg, Kentucky, for the purpose of opening up books and receiving stock in said corporation.

§ 3. The business of said corporation shall be the Business. erection, maintenance and operation of a pier bridge across the Big Sandy river, at a point to be selected by the corporation, between the mouth of Bear creek and the mouth of Rush creek.

§ 4. The capital stock of said corporation shall be Capital stock. fifty thousand dollars (\$50,000), divided in shares of one hundred (\$100) dollars each.

§ 5. The affairs of said corporation shall be man- Officers. aged by a board of seven directors, who shall be elected annually by and from the stockholders, on the first Tuesday of April, at the principal place of business at Rockville, Lawrence county, Kentucky, and shall hold their offices for one year, and until their successors are elected and qualified; but the incorporators hereinbefore named shall serve as directors until the first annual election, and until their successors are elected and qualified; and should a vacancy at any time occur in the board, it may be filled for the unexpired term by vote of the remaining directors spread upon its records. Said board shall elect from among its own number a president, vice-president, secretary and treasurer. Should any election for directors be not held as above provided, the board shall, within five days, call a special election, giving thirty days' notice thereof. Voting of stockholders Voting. shall be in person or by written proxy; and each share of stock shall entitle the holder to one vote, and a majority of votes cast shall be necessary to a choice; no one shall be eligible to continue in the office of director unless he shall be a stockholder.

§ 6. The board of directors may provide for the Agents. appointment of such agents or assistants as it may deem necessary for the management of the business of the corporation, and may fix their compensation

and prescribe their duties, and shall require of the treasurer, secretary, and all agents for the collection or handling of money, bond, with approved security, for the faithful performance of their duties.

Transfer stock. § 7. The stock shall be transferable only on the books of the company on surrender of the old certificates, and the corporation shall have a first lien on the shares of any holder for any indebtedness of such holder to it.

By laws. § 8. The directors may declare annual or semi-annual dividends, as may be provided by the by-laws, out of the net earnings of the company.

Indebtedness. § 9. The corporation may create a bonded indebtedness, not to exceed ten (\$10,000) thousand dollars, at any time, and its bonds shall be a prior lien on its property.

Private property § 10. The private property of the stockholders shall not be subject or liable for the debts of the corporation.

Build bridge. § 11. The said corporation is hereby authorized and empowered to locate, construct, maintain and operate a pier bridge across Big Sandy river at the point set forth in the third (3) section of this act; and shall have power to purchase, receive and hold as much real estate as may be necessary or convenient for the site of said bridge, abutments, piers, toll-houses, and suitable avenues leading to said bridge; and if said company can not contract for such sites and ways upon such terms as they may deem proper, they shall have the right to condemn the same by proceedings according to the provisions of law now in force in this State in regard to the writ of *ad quod damnum*, and proceedings thereunder.

Rates. § 12. That said corporation shall, with the advice and consent of the Lawrence county board of county commissioners, have the right to fix and alter at pleasure the rates of toll for all persons and property passing over said bridge, whether on foot or horseback, or in vehicles of any kind; and for the purpose of col-

lecting said toll, toll-houses may be erected and maintained at either or both ends of said bridge.

§ 13. The said corporation shall have power to borrow money to construct and operate the work above indicated, at such rates of interest, for such times, in such places, and to such amounts as the directors may deem best, not exceeding ten thousand dollars, and may issue bonds or other evidences of indebtedness therefor, and secure the payment of the same by mortgage or pledge of the said works hereby authorized to be constructed, or any part thereof; and said corporation may sell and dispose of said bonds and other evidences of indebtedness upon such terms and discounts as may be agreed upon.

§ 14. It shall be the duty of said corporation to keep a record of all its acts and proceedings, which shall be signed by its president and countersigned by the secretary; and in the absence of the president, some one of board present shall be elected president *pro tem*. A majority of the board shall constitute a quorum for the transaction of business. The records shall at all times be open to inspection by all persons interested therein. Certificates of stock shall be signed by the president and countersigned by the secretary, and seal attached. It shall be the duty of the board of directors to cause monthly reports to be made of all moneys collected by its agents and employes to the secretary, to be by him entered in a book kept for that purpose, and cause the same to be paid over to the treasurer; and no money shall be paid out except upon proper vouchers prescribed by the by-laws.

§ 15. The board of directors shall fix the times and number of stated meetings of the board, other than the annual meeting, and the president may call a special meeting at any time after five days' written notice, or a majority of the board may call a special meeting upon five days' written notice. All meetings of the board shall be held at its principal place of

business. The board of directors shall have the power to make assessments upon the stockholders for not exceeding twenty per cent. on the first call, and ten per cent. thereafter at each call upon the amount of stock each share-holder owns, but not to exceed the amount of stock owned.

§ 16. *Be it further enacted*, That this act shall be in force from and after its passage.

Approved March 28, 1888.

CHAPTER 757.

AN ACT to amend the charter of the town of Burgin, in Mercer county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the police judge and the marshal of the town of Burgin, Mercer county, Kentucky, be, and the same are hereby, authorized to exercise the same jurisdiction as magistrate and constable in the bounds of the Burgin voting precinct.

§ 2. That the trustees of said town of Burgin be, and the same are hereby, allowed to levy a poll-tax, not exceeding one dollar, upon its voters, and a tax, not to exceed fifty cents on the one hundred dollars of real estate and personal property.

§ 3. This act to take effect from its passage.

Approved March 28, 1888.

CHAPTER 758.

AN ACT for the benefit of justices of the peace of Walton District, Boone county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the justices of the peace in the Walton District, Boone county, be, and they are hereby,

granted the power and authority to hold regular terms of court once a month for the trial of civil actions within their jurisdiction.

§ 2. That the day of the month of which said terms of court are to be held shall be fixed and decided upon in the manner now prescribed by law.

§ 3. That this act take effect from and after its passage.

Approved March 28, 1888.

CHAPTER 759.

AN ACT to incorporate the Lowell and Berea Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Lowell and Berea Turnpike Road Incorporate. Company be, and the same is hereby, incorporated, and authorized to build and operate a turnpike or gravel road in the counties of Garrard and Madison. Said road shall begin in Garrard county, at the toll- Route. gate on the Lowell and Spoonville Turnpike Road at Lowell, Garrard county; thence the county road to Spilman's mill; thence over the grade and bridges made by A. T. Spilman and R. M. Argo, from said mill to the Richmond and Lancaster pike; thence to White Lick creek; thence striking the Madison county line at any point between the mouth of Walnut Meadow creek and the lands of James Soper, as the board of directors may deem best; and thence to Berea, Madison county. The points of beginning and ending within the limits named, and the route for said road, after crossing the Richmond and Lancaster pike, shall be fixed by the directors of said company.

§ 2. Said company shall be known as the Lowell Corporate name and Berea Turnpike Road Company; and in that name may sue and be sued, contract and be contracted with, and buy and sell, hold and convey any real

estate necessary for the construction and operation of its road, and may do any lawful acts necessary in the premises.

Commissioners. § 3. John M. Higgenbotham, John Davis and Charles Baker are hereby appointed commissioners for that part of said road running in Garrard county; and they, or any two of them, may open books and receive subscription to the capital stock of said company, at such time and place as they deem fit. The capital stock of said company shall be divided into shares of twenty-five dollars each; and the entire capital stock shall not exceed the amount necessary to construct said road and toll-house for same.

When to begin. § 4. When twenty-five hundred dollars of capital stock shall have been subscribed for Garrard county, said commissioners shall give ten days' notice of the time and place, and hold an election of directors.

Board of directors. The board of directors shall be five in number, and shall be annually elected, and shall hold office for one year, and till their successors are elected and qualified. Said directors shall annually elect one of their number president, and shall annually appoint a secretary and treasurer; and said treasurer shall give bond, with good security, conditioned for the faithful performance of his duties, and that he will pay out and account for all the money that may come to his hands as such treasurer presented to the order of the board of directors. A majority of the directors shall constitute a quorum for the transaction of any business of the company, and shall have the control of its affairs.

Receive grants, &c. § 5. That for the purpose of constructing said road the directors may receive grants of right of way, and material for the construction of said road; and in the event they can not agree with the owners of the soil and material, they may proceed and have the same condemned as provided by law. For the purpose of locating said road, it shall be lawful for the president and directors to enter, with the sur-

veyor, chain-carriers and engineers, upon the land and inclosures and roads through which the intended road passes, to examine and survey grounds suitable, and to examine gravel and other material suitable for the construction of said road.

§ 6. Said company shall have the right to erect Toll-gate. a toll-gate as soon as it has completed two miles of consecutive road; and upon its completion may erect one gate for each five miles; or, if they desire, may establish half-fare gates for each two and one-half miles of road completed; but the rates of toll shall at no time be greater than is now provided by the General Statutes of Kentucky.

§ 7. That the width of said road shall not exceed Width of road. thirty-five feet; width of grade shall not be less than eighteen feet, and width of metal less than fifteen feet, metal eight inches deep the edge and twelve inches deep in center, the bottom of road-bed to be covered with flat stone, and the balance of metal beat stone or gravel; if stone, it shall be small enough to pass through a two and one-half inch ring. The grade of said road shall not exceed five and one-half degrees at any point.

§ 8. S. G. Hawson, O. B. Johnson, E. T. Fish are Commissioners appointed. hereby appointed commissioners for that part of said running in Madison county, and shall proceed in the same manner, and are subject to the same provision as set forth in the foregoing sections for Garrard county, except that their road shall begin at the county line, or at Berea, Madison county, Kentucky, as the board of directors may deem best; and they may organize when two thousand dollars of the capital stock shall have been subscribed.

§ 9. Said company may borrow money for its use Borrow money. in such sums as may be required, and may issue its bonds therefor, secured by mortgage or mortgages upon its property and franchises, at a rate of interest not exceeding six per cent. per annum. Such bonds may be sold and disposed of as the directors shall

determine; and the private property of the stockholders shall be exempt from corporate debts.

Begin work. § 10. Said company shall begin work within two years from the passage of this act, and shall complete not less than one mile per year thereafter until the whole is completed, or forfeit the charter for the unfinished part thereof.

County court. § 11. The county court of Madison and Garrard counties may, in their discretion, subscribe to the capital stock of this company any amount, not exceeding ten hundred dollars to the mile, to that part of the road running in their respective counties.

§ 12. This act shall be in force from its passage.

Approved March 28, 1888.

CHAPTER 760.

AN ACT to amend the charter of the Boone County Deposit Bank.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 5 of said act shall not be so construed as to limit the right and power of the bank to purchase and hold real estate and buildings necessary for its banking place to a term of five years; but said bank shall have the right to purchase, from time to time, any such property necessary for its use, and sell the same, and make other purchases for the like purpose whenever and as often as its banking business may require, and it may erect any buildings on any real estate so purchased suitable and necessary for its business.

§ 2. That section 7 be amended by adding the following thereto: "That the board of directors may provide for the reissuing of certificates of stock that have been or may hereafter be issued, and such reissue shall be for such number of shares and fractions in each certificate as the stockholder may desire, unless such

reissue be otherwise ordered by the board of directors in such by-laws and rules as they may make from time to time; but no reissue shall be made until the original certificate is returned and canceled by the cashier, or in such other manner as the board may direct; and if any certificate be so reissued, it shall be void. Any lien held by the bank on any stock or certificate shall not be impaired by any reissued certificate unless the same be waived by the directors in express terms by an entry on their record; but any lien of the bank on the original stock or certificate shall continue and attach to the reissued certificate and stock it represents."

§ 3. That section 16 be amended by adding to the last sentence these words: "And a fractional vote corresponding with any paid-up fractional part of a share he may own."

§ 4. That section 17 be so amended as to authorize the board of directors to remove at will any agent, employe or officer of the said bank.

§ 5. This act shall take effect from its passage.

Approved March 28, 1888.

CHAPTER 761.

AN ACT to incorporate the town of Lowes, in Graves county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Lowes, in Graves county, is ^{Boundary.} hereby established and incorporated, and the corporate limits of the same shall be as follows, viz: Beginning fourteen chains north of south line of north-west quarter of section twenty-eight, t. five, r. one, west, and twenty-two chains east of west line of same quarter, one-half mile to a stake; thence west, parallel with section line, to Wilson creek, three-fourths mile to a stake on north bank; thence south

with north bank of Wilson creek, one-half mile, to a sycamore tree; thence east to beginning.

Trustees appointed.

§ 2. That J. H. Wiman, J. N. Hanner, J. R. Lowe, Wm. H. Harlan and Y. T. Tuller, be, and are hereby, appointed the first board of trustees of said town; and they shall hold said position until their successors are duly elected and qualified; and they shall elect one of their number as chairman, and each shall take an oath to faithfully perform the duties of the office before they enter upon the discharge of their duties; and shall appoint a secretary of their board, who shall perform all the duties of clerk of said town, and shall keep a record of the proceedings of said board of trustees, and shall sign all papers and proceedings officially for the town.

Powers.

§ 3. The trustees shall have supervision of the fiscal and police affairs of the town, shall cause necessary streets and alleys to be opened, and shall cause all streets and alleys to be kept in good repair, and are hereby invested with power to do all necessary and needful things for the benefit of said town; and may make and enforce such ordinances for the government and regulation of the affairs of said town as they shall deem expedient, not inconsistent with the Constitution or general laws of the State. They may declare such things as are inimical to the health of said town, or an annoyance to the citizens of said town, nuisances, and abate same; and may appoint a marshal for said town, who shall hold said office until the next regular election in said town, and until his successor is elected and duly qualified, and shall give bond as required by law of constables; and said marshal shall have the jurisdiction of a constable, and among his other duties he shall enforce the ordinances of said town.

Tax.

§ 4. The trustees of said town shall have the power to levy an annual tax on the taxable property within its limits of not exceeding thirty cents of the one hundred dollars' worth of property, and may also

levy a poll-tax of not exceeding one dollar and fifty cents annually, if so much be found needful for the benefit of said town. And the trustees shall appoint a street commissioner, who shall have the powers of a surveyor of a public highway, and shall call out the male citizens of said town of the same age, who are required to work on the public roads, for the purpose of working on the streets of the town and keeping them in good order. And for any neglect or failure to perform these duties, shall be liable to indictment and fine as surveyors of the public highways.

§ 5. On the second Tuesday in January, 1889, there shall be an election in said town, at which all qualified voters may vote; and at this election there shall be five trustees and a marshal elected for said town; and such an election shall be held on the day named every two years thereafter, and the officers so elected shall qualify within twenty days thereafter. Elections.

§ 6. The chairman of the trustees of said town shall, *ex officio*, be police judge of said town, and as such is hereby invested with power and jurisdiction to try, decide and punish for all violations of the ordinances of said town, and also try for any breach of the peace, or other offense of which a justice of the peace has jurisdiction, committed within the corporate limits of said town; and may issue warrants and writs or other legal process for the enforcement of his jurisdiction, and cause same to be executed by any sheriff, town marshal or constable. All fines for violation of ordinances of the town shall be for the benefit of the town, but those inflicted by said police judge for other offenses shall be subject to the direction of the general law of the State. Police judge.

§ 7. The town marshal shall collect all taxes for the town, and shall be allowed the same commission for same as sheriffs are allowed for collecting State taxes, and shall be responsible on his bond for the faithful paying over the same. Marshal.

§ 8. The board of trustees are invested with power Extend limits.

to change or extend the corporate limits of said town as justice or the growth of said town shall require.

§ 9. This act shall be in force from and after its passage.

Approved March 28, 1868.

CHAPTER 762.

AN ACT to appoint commissioners and to enable the citizens of Oldham county to open and complete the turnpike road from Lagrange to the Ohio river at Westport.

Preamble.

WHEREAS, There was an act passed by the General Assembly of the State of Kentucky, which was approved April the 9th, 1878, which act afterwards, by due course of law, went into full force and effect; and whereas, the turnpike commissioners, under said law, has collected taxes, and with which they have located said turnpike road, and procured the right of way for the same from Lagrange to Westport, and built some of the said road; and whereas, said law, so far as it enables them to collect taxes for the purpose of building said road is concerned, has now expired, and the said commissioners have no further authority under said law; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Incorporators.

§ 1. That W. R. Palin, Wm. Latimore, Robert McClellan, Thomas Duncan, Moses Kirkpatrick and John R. Adams, be, and they are hereby, made commissioners to open and complete so much of the turnpike in Oldham county, leading from Lagrange to the Ohio river, at Westport, as has not been completed by the commissioners which were elected under the act approved April 9, 1878.

Corporate.

§ 2. Said commissioners herein named are hereby made a body-politic and corporate, and authorized to sue and be sued, to contract and be contracted

with, in their name as Commissioners of the Westport and Lagrange Turnpike.

§ 3. Said commissioners are hereby empowered to receive from the commissioners elected under the act of April 9th, 1878, and the amendments thereto, titles and papers with reference to the rights of way for said road, and all papers showing the location of said road as adopted by them; and the commissioners appointed by this act are hereby authorized to open and to complete said turnpike road as it has been located by said commissioners under the act of April 9, 1878. Powers of commissioners.

§ 4. Said commissioners appointed by this act shall procure one or more books, in which they shall take subscriptions for the purpose of opening and building said road; and they may take subscriptions of either money or work to be done on said road, which, when subscribed for by any person, shall be binding. Subscription books.

§ 5. Said commissioners shall use their best judgment, and decide as to the grade on said road, and the depth and kind of metal to be used in the construction thereof. Grade.

§ 6. Said commissioners shall appoint a treasurer, who shall collect and pay out all moneys under and by the rules and direction of said board. Said treasurer, before he enters upon his duties as such, shall be required to execute bond to said commissioners, with approved surety, for the faithful performance of his duties, on which he and his sureties shall be liable to said commissioners for any failure to comply with his duties as said treasurer. Treasurer.

§ 7. Said commissioners are empowered to make such rules and regulations in the transaction of their business as they deem best and proper; and when, in their judgment, they have a sufficient amount subscribed to open and complete either a portion or the whole of said road, they are hereby authorized to let the same out by contract, as they may decide upon. Regulations.

§ 8. The commissioners appointed by this act shall

Compensation. receive no pay for their services, but they may pay the treasurer a sum, to be fixed by them before said treasurer enters upon the discharge of his duties, and not otherwise.

§ 9. This act shall not be construed so as to revive the act of April 9, 1878, herein referred to, or any of the amendments thereto, except as is specifically stated herein; and the board of commissioners appointed by this act shall in nowise be liable or responsible for any debts created by, or any other acts done by, the commissioners elected under the act of April 9, 1878, or any of the amendments thereto.

Change in location. § 10. If, in the judgment of the commissioners, they find that they can, in any place, make an advantageous change in the location of said road, they are hereby authorized to make said change, with the consent of the owners of the land over which said changed road will be located; but no change is to be made in the termination of said road.

Report to county court. § 11. When said road is completed in full, or so much thereof completed as to be able to be used as a continuous road, the said commissioners are directed to report the same to the county court of Oldham county, which court will then receive said road as a county or public road, and the same is then to be kept in repair as other public roads.

§ 12. This act is to be in full force and effect from and after its passage.

Approved March 28, 1888.

CHAPTER 763.

AN ACT to amend an act, entitled "An act to authorize the counties of Pulaski, Wayne and Clinton, and certain towns and magisterial districts therein, to subscribe stock in any railroad company," approved February 20, 1888.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to authorize the counties of Pulaski, Wayne and Clinton, and certain

towns and magisterial districts therein, to subscribe stock in any railroad company," approved February 20, 1888, be, and the same is hereby, so amended as to invest the county judge and a majority of the justices of the peace in commission, and the board of trustees or city council, respectively, with the authority, and they are respectively authorized and required to annually levy a tax on all the property subject to State revenue in such county, district, town or city, to enable them to create and establish the sinking fund authorized by said act; but the levy for any one year shall not exceed the ratio of such year to the whole number of years said bonds are made to run.

§ 2. The commissioner or board of commissioners of the sinking fund authorized by said act are required, before entering upon their duties as such, to execute bond, with good and sufficient security, for the faithful performance of their duties, which bond shall be approved by the said county court, board of trustees or city council, as the case may be; and the said commissioner or commissioners are further required to take an oath for the faithful performance of their duties before entering upon the same.

§ 3. Said act is further amended by striking out the word six, where it appears in section eight (8) in said act, and inserting in lieu thereof the word eight.

§ 4. This act shall take effect from its passage.

Approved March 29, 1888.

CHAPTER 764.

AN ACT to amend an act, entitled "An act to incorporate the Hustonville and Coffey's Mill Turnpike Road Company," approved February 11, 1854.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act to which this is an amendment be, and the same is hereby, amended so as to provide for

and authorize the company incorporated by said act to erect and maintain additional toll-gates as follows: One within one mile south of Mt. Salem post-office, on the road of said company, and one within one mile north of the same point; and tolls may be collected at said gates as at the other gates on said road, not exceeding rates authorized by law to be collected.

§ 2. This act shall take effect from and after its passage.

Approved March 29, 1888.

CHAPTER 765.

AN ACT to incorporate the Home for Aged and Indigent Women, of Covington, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Ellen B. Dietrick, Charity E. Warner, Margaret Hamilton, Mary B. Trimble, Araminta H. Shinkle, Kate Corry, Oberia P. C. O'Hara, Susan Crawford, and their associates and successors, be, and are hereby, created a body-corporate and politic, by the name and style of "The Home for Aged and Indigent Women;" and by that style shall have perpetual succession, and be capable of suing and being sued, pleading and being impleaded, in all courts and ways, as in cases of individuals; and take by purchase, gift or devise, and hold, use, dispose of and convey, in all lawful ways, any estate, real, personal or mixed, for the use and interest of said corporation hereby created: *Provided*, That no part of such estate, or income thereof, shall be used for any other purpose or business than in providing a suitable asylum, and for the support and maintenance of the same, and of such aged and indigent women as shall be admitted into the same under the by-laws thereof: *And provided also*, That all property held by said corporation shall be free from

taxation or assessment of any kind, either State, county or municipal; and said corporation may have a common seal, and the same may change and renew at pleasure; and make, ordain and put into execution such by-laws, regulations and ordinances, as may be deemed necessary and convenient for the welfare, management and good government of said corporation, the officers, members, servants and the inmates of their asylum: *Provided*, The same be not incompatible with the laws of this Commonwealth or of the United States.

§ 2. Persons may become members of the said cor-^{Membership.}poration upon payment of the sum of one dollar annually, at or before the annual meeting thereof; and any person who shall pay the sum of fifty dollars in advance shall be a member of said corporation during his or her entire natural life.

§ 3. As soon as this act shall be passed, any one of^{Organize.} the incorporators named in the first section thereof shall notify each of the other incorporators of a time and place for organizing said corporation, and choosing twenty-four managers thereof. These managers shall be women, either married or single, and their qualifications may be prescribed by the by-laws of the corporation. The managers so elected shall meet and organize themselves within six weeks after their election; and shall elect from their own number a president, a vice-president, a secretary and a treasurer, who shall serve for one year, and until their successors are duly elected. Their powers and duties shall be defined by the by-laws. Said managers, and all managers thereafter elected, shall continue in office until their successors are duly elected. The board of managers may fill vacancies in their own numbers created by death, resignation, removal, refusal to serve, or from any other cause. They shall have power to meet and^{Power.} adjourn at their own discretion; shall make and preserve a fair record of all their proceedings; shall have the general management and control of the property

and affairs of the corporation ; and it shall be their duty at all times to keep up said asylum ; provide for and regulate its inmates and interests ; appoint and discharge suitable agents and servants at their pleasure ; determine who shall be admitted into said asylum as inmates ; prescribe the terms and conditions of admission and remaining in said asylum ; and in all respects (subject to the general rules and ordinances of said corporation) order and direct whatever may be necessary or convenient for the order and welfare of said asylum and its inmates ; and shall appoint by by-law a regular stated time for their annual meeting and election of officers and trustees.

Management. § 4. That the custody, control and management of all the endowment or capital funds and property, real, personal or mixed, of said home for aged and indigent women, shall be vested in three male trustees, to be styled "Fiscal Trustees," who shall be appointed by the vote of a majority of the managers present at their first meeting, and thereafter annually. These trustees shall hold office for three years, except the first trustees so appointed, who shall hold office respectively one, two and three years, the terms to be determined by the managers.

Endowments. § 5. It shall be the duty of said trustees to take and possess all the endowments or capital funds or property which said corporation may have, or be entitled to have, and the same security to manage, invest, change or dispose of for the use and benefit of the corporation, so as to yield a regular income ; and they shall, every three months, or oftener if desired, give an account of all funds, property and income to the proper board of managers of said corporation ; and shall collect and pay over to their treasurer or order all the net income of such investments, after deducting the actual and necessary expenses of said trust : *Provided*, That no charge or allowance for the services of said trustees shall be made or permitted. And such trustees, for the purpose aforesaid, shall

have power, in the name of the said corporation, of contracting and being contracted with, and of prosecuting and defending suits, receiving, holding and disposing of all moneys and property which said corporation may have or acquire, or be entitled to have by gift, purchase or otherwise, for the endowment thereof; and when necessary, for the purpose aforesaid, may use the common seal of said corporation: *Provided*, That said trustees shall not have or exercise any power, authority or control over the institution of affairs of such corporation other than the fiscal affairs as hereinbefore limited, nor be liable for the debts of said association, or for any thing but their own acts or negligence.

§ 6. That as soon as said Home for Aged and Indigent Women shall be duly organized, said corporation may take, by gift or purchase, from any person or body-corporate or politic, any estate, real, personal or mixed, in any manner not inconsistent with the powers or purposes hereby conferred. And it shall be lawful for the city of Covington, its council or other authorized representatives or officers, to pay to said Home for Aged and Indigent Women such sums as shall be agreed upon by the managers of said home and said authorities, as a fair compensation for the maintenance and support of such women as would otherwise be a charge to the city. May receive gifts

§ 7. This act shall take effect from and after its passage.

[Passed House of Representatives February 8, 1888, the objections of the Governor to the contrary notwithstanding.]

[Passed Senate March 13, 1888, the objections of the Governor to the contrary notwithstanding.]

CHAPTER 766.

AN ACT to amend the charter of the town of Spottsville, in Henderson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to incorporate the town of Spottsville, in Henderson county," approved April 8, 1880, be, and the same is hereby, amended by adding: Section 14. The citizens living within the corporate limits of said town shall be exempted from paying road poll-tax to Henderson county, and said tax shall be due and payable to said town, to be used in the improvement of streets, and the county is hereby released from work on said roads inside of said corporate limits.

§ 2. This act shall take effect from and after its passage.

Approved March 29, 1888.

CHAPTER 767.

AN ACT to amend an act, entitled "An act to incorporate the Vine Grove Seminary, in Hardin county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to incorporate the Vine Grove Seminary," approved ————, be, and the same is hereby, amended by striking out the word "seminary," in the title of said bill, and also wherever the same word may appear in said bill, and insert in lieu thereof the words "Normal School."

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 29, 1888.

CHAPTER 768.

AN ACT to amend section 1 of an act to establish an institution of learning and parochial church in or near the town of Beattyville, in Lee county, approved May 12, 1884.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the words "Cumberland College," in section 1 of said act, be stricken out, and the words "The Beattyville Episcopal High School" inserted in lieu thereof.

§ 2. That this act shall be in force from and after its passage.

Approved March 29, 1888.

CHAPTER 769.

AN ACT to enable the Jefferson county levy court to fix the salary of the Jefferson county treasurer.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Jefferson county levy court is hereby authorized and empowered to fix the salary of the Jefferson county treasurer. All acts and parts of acts in conflict with this act are hereby repealed.

§ 2. This act is to take effect from its passage.

Approved March 29, 1888.

CHAPTER 770.

AN ACT to amend an act to provide for the erection of school building in common school district No. 1, in the town of Hawesville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to provide for the erection of school buildings in common school district

No. 1, in the town of Hawesville," approved March 28, 1873, be, and the same is hereby, amended by striking out of the twelfth section thereof, and in the third line of said section, the words "eight months," and insert in lieu thereof the words "five months."

§ 2. This act shall take effect from its passage.

Approved March 29, 1888.

CHAPTER 771.

AN ACT to incorporate the trustees of the Church for the Promotion of Christian Holiness.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That H. C. Miller, J. H. Hemp, R. Cowell, Gibson P. Broyles, C. T. Clark, G. C. Wetstein, T. White, trustees of the Church for the Promotion of Christian Holiness, in Louisville, Jefferson county, Kentucky, of which J. W. Maxwell is now pastor, and their successors in office, be, and they are hereby, created a body-politic and corporate, by the name and style of the "Trustees of the Church for the Promotion of Christian Holiness," and by that name shall have perpetual succession ; may have and use a common seal, and may change the same at discretion ; may contract and be contracted with, sue and be sued, plead and be impleaded, and shall have and exercise all the powers necessary and incident to religious corporations, not inconsistent with the Constitution and laws of this State and of the United States of America.

§ 2. That when any vacancy in said board may occur by death, resignation, removal or otherwise, it shall be competent for the quarterly conference of said church to fill such vacancies at any regular meeting, according to the discipline of said church ; and said quarterly conference shall also have power to remove from office any one or more of said trustees, by a

majority of the members present at any regular meeting.

§ 3. The above named trustees and their successors shall have full power to take by gift, purchase, devise, bequest, release, assignment or otherwise, any real or personal estate or property ; and they shall hold and control any and all property so received or acquired for the use and benefit of the Church for the Promotion of Christian Holiness ; and the said corporation shall have power to hold and convey and otherwise dispose of the same, with all the powers incident to religious corporations.

§ 4. The said trustees are hereby authorized and empowered to pledge, mortgage or encumber any church building, lot of ground, or any other property held by them for the use and benefit of the said church, for the purpose of securing or of raising money to pay off and discharge any and all debts and liabilities created or incurred by and on behalf of the said church or its trustees.

§ 5. This act shall take effect from and after its passage.

Approved March 29, 1888.

CHAPTER 772.

AN ACT to authorize the organization and maintenance of a graded free school in common school district No. 3, in Johnson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That for the purpose of establishing a graded Limits. free school in common school district No. 3, in Johnson county, Kentucky, which is bounded as follows : Beginning at the upper side of Tom's creek, on the west side of the Big Sandy river ; thence up the ridge between Big Sandy river and Tom's creek ; thence with the ridge up the river to a point opposite La Fayette Preston's, so as to include William Preston's

farm; thence across the river to the lower end of Perry Childers' line; thence with his line to the top of the ridge; thence down the river, and with the ridge, to the Bob's Branch ridge; thence around the Bob's Branch ridge back to the river, so as to include both forks of Bob's Branch; thence down the river ridge to the Greasy creek ridge; thence up the Greasy creek ridge to the mouth of Two-mile creek; thence across the creek, and with the ridge, down the creek to the river at the lower end of W. J. Ward's farm, so as to include both sides of Greasy creek from the mouth of Two-mile down; thence up the river and with it to the beginning; the people residing within said boundary are hereby constituted and declared to be a body-corporate, and possessing all the powers necessary to the execution of the purposes hereinafter set forth. The corporate name thereof shall be "The Ward City Graded Free School District;" and by that name shall have perpetual succession and corporate existence, with full power, through its board of trustees, hereinafter provided for, to contract and be contracted with, sue and be sued, to ordain and put into execution such constitution and by-laws, rules and regulations, for the government of said corporation, and the prudent and efficient management of its affairs, as may be deemed just and proper, not inconsistent with the Constitution or laws of the State; and may have a corporate seal, and alter or renew the same at pleasure. The title to all common school property within said district shall vest in said corporation; and it is hereby authorized to use, occupy, and control all such property, and to take title to any property that may hereafter be conveyed to it for the use and benefit of the common schools of said district, and to draw and expend in the support of such schools so much of the common school fund of the State as may be due said district, from year to year, under the common school laws regulating the distribution and expenditure of said fund.

*Corporate.

Name.

§ 2. Said corporation shall be under the exclusive ^{Management.} control and management of a board of three trustees, to be elected by the persons resident within said district qualified by law to vote for common school trustees. The first election for trustees under this act shall be held at the ward city school-house, on the first Saturday in June, 1888, as and in the manner school trustees are now required to be elected by the general laws of the State. So soon as these trustees are chosen, they shall qualify by taking the oath as prescribed for common school trustees, and draw lots to ascertain which of them shall hold office for one year, which for two years, and which for three years; it being the intent and purpose of this act to require one trustee to be elected annually, on the first Saturday in June, for the term of three years after the first election. Should a vacancy occur at any time by death or resignation or removal, such vacancy for the unexpired term shall be filled by the remaining members of the board.

§ 3. The trustees shall organize within two weeks ^{Trustees.} after their election, by electing one of their number chairman and such other subordinate officers as they may deem proper; and they may require any of said officers to give bond, with personal security, to insure a proper discharge of such duties as may be assigned them. It shall be the duty of this board to organize and maintain a system of common and graded schools within said district, and to have the same taught not less than five nor more than ten months in every year, to which every white child in said district, within the common school age, shall have free access and the right to attend, free of charge at all times, as he might have were said school taught under and pursuant to the provisions of the laws of the State which regulate the common schools of the State.

§ 4. It shall be the duty of said board of trustees to have a census taken of said district, and the number of scholars within the common school ages resident

therein ascertained, in the month of April every year, and to report the number to the county superintendent; and to make such reports of their schools as are required from school trustees under the general laws of the State.

§ 5. Said board of trustees is authorized to levy and collect an annual poll-tax, not exceeding two dollars on each poll; also an annual tax not exceeding fifty cents on each one hundred dollars in value of all the taxable property within said district, as the same is assessed for State purposes. The tax thus levied shall be listed with the sheriff of the county of Johnson, whose duty it shall be to collect the same, and pay the money, less five per cent. for his commission, to the board of trustees when collected, and he and his securities shall be responsible therefor, as in case of other taxes: *Provided, however,* That the provisions of this section, so far as it applies to taxation, shall not take effect until it has been ratified and approved by a majority of the legally qualified voters residing in said district and voting at any election. Said election shall be held at such time and place in said district as said board of trustees shall designate, after having duly advertised the same by printed or written notices, posted at six conspicuous places in said district, at least twenty days before the election, which notices shall state the rate of taxation to be assessed, and the number of years the same is to be collected.

County superintend-
tendent.

§ 6. Said trustees shall make an annual settlement with the county superintendent of Johnson county, and in such settlement show what moneys they have received and paid out under the provisions of this act, and produce vouchers for all payments made. They shall have the power to admit scholars from other districts, or persons residing in said district over the common school age, to the school, and to assess their tuition for the privilege of attending the same, and the fund thus derived shall be added to the school fund of said district.

§ 7. The common school laws of the State shall be observed in the organization and maintenance of said graded free school, except as otherwise provided in this act.

§ 8. This school is for white children only.

§ 9. This act shall take effect from and after its passage.

Approved March 29, 1888.

CHAPTER 773.

AN ACT to authorize Thos. B. Harrison, judge of the Logan county court, to sign the minutes and orders of said court which his predecessor, W. W. Frazer, deceased, failed to sign.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Thos. B. Harrison, the present judge of the Logan county court, is hereby authorized to sign all the minutes and orders of said court which his predecessor, W. W. Frazer, deceased, failed to sign, with the same effect as if said Frazer had signed them at the proper time.

§ 2. This act shall take effect from its passage.

Approved March 29, 1888

CHAPTER 774.

AN ACT for the benefit of J. F. Walton, of Simpson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That J. F. Walton, of Simpson county, Kentucky, be permitted to send his children to the common school taught in common school district No. 19, instead of No. 32, in said county; and that the lines of district No. 32 be so changed as to include said Walton in district No. 19 instead of No. 32.

§ 2. This act shall take effect from its passage.

Approved March 29, 1888.

CHAPTER 775.

AN ACT to amend section 8 of chapter 346, entitled "An act to incorporate the town of Fordsville, in Ohio county, relating to the term of office of the police judge and marshal of the said town."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the word "annually," in the first line of section 8 of chapter 346, entitled "An act to incorporate the town of Fordsville, in Ohio county," approved March 18, 1886, be, and the same is hereby, stricken out of said line, and the word "biennially" is hereby substituted therefor.

§ 2. This act shall take effect from and after its passage.

Approved March 29, 1888.

CHAPTER 776.

AN ACT to incorporate the New Jellico Mining Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Incorporators. Name.	§ 1. That M. E. Thornton and C. E. Thornton, and their successors in perpetuity, are hereby incorporated as the New Jellico Mining Company. Under that name they are authorized to sue and be sued, to make contracts, to have a common seal and alter the same at pleasure, and to do all other things incident to corporations, and that may be necessary to carry out the purposes of this act; and may establish its principal place of business at any point in this State.
-----------------------------	--

Business.	§ 2. Said corporation is authorized to do a general mining business in coal, iron and other substances; may engage in making coke, iron, steel, and the like; may deal in fire-clay and lumber of every kind; may erect and operate mills and blast furnaces; and may
-----------	---

bore for gas, salt, oil and other substances upon its own property.

§ 3. Said corporation may sell and ship the products of its mines, wells, mills and lands to any market; and to facilitate this, may connect its own mines, mills, furnaces, etc., with the line of any railroad or river near thereto; and to this end may erect and operate chutes, tramways, road-beds, steam engines and cars over its own lands or the lands of others, their consent having been first obtained; but it shall not have the right to condemn such lands.

§ 4. The aforesaid incorporators are authorized to open books for the subscription of stock; and when one hundred shares are subscribed, the corporation may commence business. The officers shall consist of a president, vice-president, secretary, treasurer, and a board of seven directors. The directors shall be elected by the stockholders as soon as convenient after one hundred shares are subscribed, and the directors shall elect the other officers and fill all vacancies. There shall be an annual meeting of the stockholders for the election of directors, and the transaction of other business, on the second Tuesday in January of each year; but the directors, by a resolution, may change the time for this annual meeting and fix the place; and may also call stockholders' meetings whenever the business of the corporation requires it.

§ 5. The capital stock of said corporation shall be two million dollars, to be divided in shares of one hundred dollars each, for which certificates shall be issued, signed by the president and countersigned by the secretary, which shall be transferable; but the corporation shall not be compelled to take notice of any assignment of its stock until the same is noted on the books of the company. The stock shall be personal property.

§ 6. The board of directors may employ such officers and agents as may be necessary to transact the busi-

ness of the company, and fix the terms of employment, and require, in their discretion, bonds for the faithful performance of their duties; and shall have the power to make such by-laws, rules and regulations, from time to time, as they may deem proper for the interest of the corporation, not inconsistent with the general laws of the State.

Property.

§ 7. The corporation may buy, lease and hold such lands, mines, mining property, minerals, timber, and such other property as may be necessary and convenient in the transaction of its business, and may sell, convey, rent or mortgage the same; and it may receive real or personal property in payment for stock upon such terms as may be agreed upon.

Bonds.

§ 8. The corporation shall have the power to issue negotiable coupon bonds to an amount not exceeding one million dollars, bearing not exceeding six per cent. interest, payable semi-annually, in not more than thirty years, and to secure the same may mortgage its franchises, its real estate or personal property, the bonds to be signed by the president and countersigned by the secretary, or their signature may be engraved. The mortgage must be signed and acknowledged by the president; the corporation shall also be empowered to buy the stock of, or consolidate with, any other corporation upon the terms agreed upon.

Liquors.

§ 9. It shall be unlawful for any person to sell spirituous, vinous, malt or fermented liquors upon the lands of the corporation, and any violation of this provision shall be punished by a fine of sixty dollars, to be recovered by indictment.

§ 10. This act shall take effect from and after its passage.

Approved March 29, 1888.

CHAPTER 779.

AN ACT to amend the charter of the town of Bardwell, in Carlisle county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the board of trustees of the town of Bardwell, in Carlisle county, be, and they are hereby, authorized and empowered to lay out and establish, by ordinance, such streets and alleys in said town as may be deemed necessary or convenient for the use and enjoyment of the public; and for this purpose they may, by their officers or agents, enter upon and appropriate the private property of any person or persons, and to that end they are hereby authorized and empowered to contract with the owners of any such property for such streets and alleys, and to receive a conveyance for same upon such conditions as may be agreed upon.

§ 2. If said board of trustees is unable to agree with the owners of such property as may be laid off by ordinance, into streets or alleys, as to compensation therefor, or if said owners, by reason of any disability, can not contract, or if such owner be a non-resident of the county, then, in either of such cases, the board of trustees may, upon application to the police court of said town, procure a writ of *ad quod damnum* to issue, directed to the sheriff or some constable of Carlisle county, commanding him, within a time therein named, to summon a good and lawful jury of twelve men to meet upon the land, or convenient thereto, which is so taken by said street or alley, and, after having been sworn as in the condemnation of a public highway, they shall proceed, after having heard the evidence, to assess the damages which the owner has sustained by reason of his property having been taken for such street or alley.

§ 3. If such owner be a resident of the county, no such condemnation shall be had until he shall have been served with a copy of such writ for at least ten days before the meeting of said jury, nor if such owner be laboring under any disability, other than that of coverture, until defense be made by *guardian ad litem*, nor if such owner be a non-resident, until a defense be made by attorney appointed for that purpose.

§ 4. It shall be the duty of the police judge to attend and preside at such trials, and to keep a record of the proceedings, which he shall return to and file in his office. Either party may except to the verdict within three days after it is returned, and said exceptions shall be tried by said police judge, and he may, if he thinks proper, award a new trial.

§ 5. The board of trustees, or the defendant, may, within sixty days after the verdict, prosecute an appeal to the common pleas court of said county. The mode of taking such appeal shall be the same as an appeal from a justice's court, except, when the party taking the appeal is laboring under a disability other than coverture, no bond shall be required. The cost of the appeal shall be regulated as on other appeals from inferior courts.

§ 6. In no case shall the said board of trustees open any such street or alley until the compensation adjudged to the owner has been actually paid, or secured in such manner as the court, upon final trial, shall prescribe; and in no event shall said trustees lay out or establish any such street or alley so that it shall include any part of any dwelling-house.

§ 7. This act shall take effect and be in force from and after its passage.

Approved March 29, 1888.

CHAPTER 780.

AN ACT to incorporate The Shelby Club.

WHEREAS, It is desired that a public reading-room shall be established in Shelbyville, Kentucky, and that the moral, intellectual, and social qualities of its citizens shall be developed, and additional advantages may be given the youth of Shelby county; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That C. Kinkel, R. A. Smith, J. A. Middleton, ^{Incorporators.} G. A. Armstrong, Jr., J. C. Beckham, W. T. Poynter, and L. Chowning, and all other persons who shall hereafter become stockholders of the company hereby incorporated, shall be a body-corporate, by the name of The Shelby Club; and by that name have perpetual succession and existence, and may contract and be contracted with, sue and be sued, and have all the powers hereinafter given; and may have and use a common seal, and alter the same at pleasure.

§ 2. The capital stock of said company shall consist ^{Capital stock.} of six shares of the value of one hundred dollars, with the privilege to increase the same, by a vote of two-thirds of the capital stock, at any annual or special meeting, to any sum not exceeding twenty thousand dollars. Any three of the corporators named in the first section of this act shall have the power to open books—receive subscriptions at such time and places as they may deem expedient; and when six shares shall have been subscribed, the share-holders may elect a president, secretary, and a board of directors, to consist of seven members, a majority of whom shall constitute a quorum to transact business, who shall be elected annually by the stockholders on the second Friday night in May in each year, and who shall hold office for one year, or until their successors have been elected and qualified. At such election each stock-

holder shall be entitled to have one vote for each share of stock owned by him in said company. The president and directors so elected may, and they are hereby, authorized and empowered to have and to exercise in the name and behalf of the company all the rights and privileges that are hereby given.

Officers.

§ 3. The directors shall appoint a treasurer and such other officers, agents or employes as the business or the demands of the company may require, and shall fix their salaries.

§ 4. The board of directors shall make all by-laws necessary for conducting the business of the corporation, and shall have power to require and enforce, by suit or otherwise, payment of any amount remaining unpaid on the stock of the corporation, at such times and in such proportions as they may think proper.

Elections.

§ 5. All elections for president and directors shall be by ballot, and any stockholder shall be eligible to be elected. At any meeting of the stockholders six stockholders shall constitute a quorum to do business.

§ 6. The stockholders at any regular meeting, annual or monthly, may fix the price and terms upon the complying with which any person not a stockholder may be entitled to such certain stipulated rights and privileges and benefits in this corporation as may be granted them by said stockholders, in consideration of said prices and terms being complied with.

Certificates of stock.

§ 7. The president shall issue to each stockholder a certificate of stock whenever the same shall be paid, and such certificate shall be personal property, and may be sold and assigned by said stockholders to any assignee thereof, and the same may be transferred on the books of the company.

Enjoy privileges and benefits.

§ 8. Any share-holder, and every member of his family living with him and dependent upon him for support, shall be entitled, free of charge, to enjoy all the privileges and benefits of this corporation, to attend any lectures, amusements or entertainments given or

held under the auspices or control of this corporation, subject only to such by-laws as may be adopted by the board of directors.

§ 9. The whole of the capital stock of this corpora- Real estate.
tion shall be invested in real estate or in interest-bearing securities that may be determined upon by the board of directors; and no part of the said capital stock shall ever be taken or applied in payment or discharge of any liability of this corporation; and said capital stock shall not be liable therefor; and said capital stock can not be encumbered in any way whatever, if this corporation should cease to exist, or should be dissolved by mutual consent of the stockholders or otherwise; then said stockholders shall be entitled to the assets of this corporation, and shall be entitled to have said capital stock returned to them according to the amount of stock they each hold.

§ 10. This corporation may require and hold real estate in the town of Shelbyville, Kentucky, not exceeding in value ten thousand dollars, and may sell and convey same whenever it may deem advisable, and the deed of conveyance shall be signed and acknowledged by the president in pursuance to an order made by the stockholders at any regular or special meeting. This corporation may purchase, hold or own any personal property of any kind, and may invest any money it has in any interest-bearing securities, or may lend any money it has to any individual, or may take security therefor, either personal or a lien on personal or real estate. This corporation may purchase any books, papers, periodicals, musical instrument, or any furniture for its rooms, and may sell the same at any time.

§ 11. This corporation may acquire and hold, by gift or lease, any property, real or personal.

§ 12. This corporation may contract for and make provision for and charge admission fees to any lecture, musicale, reading or entertainment of any kind, with

any person or persons: *Provided*, That the capital stock of this corporation shall not in anywise be liable therefor; and no member of this corporation, or any member of his family living with him and dependent upon him for support, shall not be charged any admission.

§ 13. The stock shall be liable for taxation in the hands of the share-holders as other personal estate, and this corporation shall not in any way be liable for taxation for any purpose.

§ 14. This act shall take effect from its passage.

[Became a law without approval of Governor March 30, 1888.]

CHAPTER 781.

AN ACT to prohibit the sale of spirituous, vinous or malt liquors within three miles of Mannsville, Taylor county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person to sell any spirituous, vinous or malt liquors, or hard cider, or cider oil, or any mixture thereof, in, or within three miles of the town of Mannsville, Taylor county, Kentucky.

§ 2. That any person violating the provisions of section one of this act shall be guilty of misdemeanor, and upon conviction thereof shall be fined fifty dollars for each offense.

§ 3. That this act shall take effect from its passage.

[Became a law without approval of Governor March 30, 1888.]

CHAPTER 783.

AN ACT submitting to the voters of Nelson county, and the several justices' districts thereof, the question whether or not spirituous, vinous, malt, or any intoxicating liquors whatever, shall be sold in said county, or in any justices' districts thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the qualifications of the voters at the elec- Vote.
tion hereinafter provided for shall be the same as in
elections for Representative in the General Assembly.

§ 2. Whenever a written petition, signed by at least Petition.
six voters in each justices' district of said county, ask-
ing for a vote in said county, and in the several jus-
tices' districts thereof, upon the question whether or
not spirituous, vinous, malt, or any intoxicating
liquors whatever, shall be sold in said county, or in any
of the justices' districts of said county, shall be filed
with either the judge or clerk of the Nelson county
court, it shall be the duty of the said judge, at the next
regular succeeding term of his court, to enter upon his
order-book an order for an election to be held in said
county, on a day at least twenty days distant from the
time when the order is made, for the purpose of tak-
ing the sense of the voters of said county, and the
several justices' districts thereof, upon the question
whether or not spirituous, vinous, malt, or any intoxi-
cating liquors whatever, shall be sold in said county or
in any of the several justices' districts thereof. Said
election shall not be held on, nor within sixty days
of, the general elections held in August and November. Order of election.

§ 3. Said order shall direct the sheriff, or if that
office be vacant, the coroner, or if that office be vacant,
the jailer to hold the election.

§ 4. It shall be the duty of the county court clerk Duty of c lers.
of said county to deliver to the sheriff, or other officer
whose duty it may be to hold the election, a certified
copy of said order within ten days after its entry on
the order-book.

Publication. § 5. It shall be the duty of the sheriff, or other officer whose duty it may be to hold the election, to have said order published at least once a week, for two consecutive weeks, in a newspaper, if there is a newspaper published so often in said county; and also to have said order printed in handbill form, and at least five of them posted in different conspicuous places in each voting precinct in said county. Said publications shall be within thirty days next preceding the day on which the election is held, and the handbill shall be posted for at least fifteen days next preceding the day of election. If no newspaper is published in said county, then said handbills, posted as aforesaid, shall be sufficient. The sheriff, or other officer whose duty it shall be to post said handbills, shall be allowed twenty dollars for so doing, which shall be taxed as costs, and collected as is hereinafter provided for.

Duty of sheriff. § 6. It shall be the duty of the sheriff, or other officer directed in said order to hold the election, to open a poll at the usual voting place in each voting precinct in said county on the day fixed in the order, and the officers holding the election shall propound to each voter the following questions:

- Question. 1. "Are you for or against the sale of intoxicating liquors in this county?"
2. "Are you for or against the sale of intoxicating liquors in this justices' district?"

Record. Each person's vote shall be recorded for or against the sale of said liquors in said county, as he then directs, and each person's vote shall also be recorded for or against the sale of said liquors in that justices' district wherein he is entitled to vote, as he may then direct.

Hours for election. § 7. The hours for said election shall be between seven o'clock, A. M., and six o'clock, P. M. The poll-books shall be properly ruled for taking the vote on the two above set out propositions. Each page of each poll-book shall be signed by the re-

spective precinct clerks of election as the pages are completed; and when the polls are closed the officers of election at each precinct shall then and there ascertain the number, in that precinct wherein they are officers, that voted for the sale of said liquors within the county, and the number that voted at said poll for allowing said liquor to be sold in that justices' district; also the number that voted against the sale of same within the county, and the number that voted at said poll against the sale of same in the justices' district; and they shall write out same in full in letters (not in figures) in the back part of the poll-book. Each officer and clerk of the election at each precinct shall sign same, then seal the book, and return it to the clerk of the county court in the same time and manner that poll-books in elections for Representatives in the General Assembly are required by law to be returned. The poll-books shall be procured by the county court clerk, and their cost shall be taxed as costs, and collected as hereinafter provided for.

§ 8. The poll-books shall, in the same time after this Poll-books. election as after the election for Representatives in the General Assembly, be opened, examined and compared by the same board of examiners as compare and examine the poll-books in elections for Representative in the General Assembly; and the said board of examiners shall certify to the county court, at its next regular term after the comparison and examination, the result of the vote in the county as a whole upon the question whether or not said intoxicating liquors shall be sold within said county; and they shall also certify to said court the result of the vote in each of the several justices' districts upon the question whether or not said liquors shall be sold within either of said districts.

§ 9. If said certificate shows that a majority of all Against sale. the votes cast in the whole county were cast against the sale of said liquors within the county, then there-

Certificate

after there shall be no license granted to any one to sell any spirituous, vinous, malt, or any intoxicating liquor whatever, within said county; and it shall be unlawful for any one to sell or trade any such liquor within said county; and should said certificate show that a majority of all those voting in any justices' district voted against the sale of such liquor within that district, then no license shall thereafter be granted to any one to sell such liquor in that district; and it shall thereafter be unlawful for any one to sell or trade such liquor in any district which gave a majority against the sale of said liquors in that district. Said certificate shall be entered upon the order-book of the county court; and said entry, or a copy thereof, certified by the county court clerk, shall be evidence in all prosecutions under this act.

§ 10. Should any one, at the time said certificate is filed before the county court and entered as aforesaid, be selling said liquors under a license from said county court, then such one shall not be convicted under this act until after said license expires.

Incorporated town.

§ 11. Should any incorporated town in said county be situated partly in one justices' district and partly in another justices' district, and the sale of such liquor should, under this act, be voted out of one of those districts and not out of the other, then, in that case, the sale of such liquor is not to be made unlawful by this act in any part of such town. This exception shall extend no further than the corporate limits of such town, and shall not interfere in any way with the result of any vote taken under another act than this.

Officers of election.

§ 12. The officers of the election herein provided for shall be selected in the same way, receive same compensation, and shall possess the same qualifications as those who officiate in elections for Representatives in the General Assembly.

Manufacturers.

§ 13. The provisions of this act shall not apply to any manufacturer nor to any *bona fide* wholesale

dealer ; but in no event will any one, not even a manufacturer or wholesale dealer, be allowed to sell in quantities less than ten gallons, except druggists, who may sell only for medicinal purposes, and shall not sell more than a quart at any one time, and then only upon the written prescription of a regular practicing physician. But no physician shall give any such prescription unless the person who actually needs the liquor is present before him for examination when the prescription is made. The physician's opinion that the person was sick or absolutely needed the liquor shall not be conclusive that said person was sick or needed the liquor, but the jury trying the case shall be the sole judges of those facts. Every such pre-^{Prescriptions.}scription shall be written in ink, shall be signed by the physician giving it, shall be dated, and shall not be good unless used on the day of its date ; and no druggist shall sell liquor more than once on the same prescription. Should a physician give a prescription^{Penalties.} for liquor, and should said prescription be filled from liquor owned in whole or in part by the physician giving the prescription, or should said physician derive any profit, directly or indirectly, from the sale of such liquor on said prescription, then the prescription shall be no protection to the one making the sale, and it shall be unlawful for any physician to give any prescription which is so filled. No one shall be deemed to be a regular practicing physician under this act who has not, at the time of giving the prescription, complied with all the requirements of the laws of this State concerning physicians, as those laws now are or may hereafter be.

§ 14. Any druggist who sells spirituous, vinous,^{Druggists.} malt, or any intoxicating liquor whatever, under this act, shall first procure a license from the county court so to do, and shall give ten days' notice, by written or printed handbills, posted at the court-house door in Bardstown, and ten public places in the neighborhood of the house wherein he intends to sell, of his inten-

tion to apply to said court for the license. Each prescription shall state whom the liquor is for, else it shall be no protection to the seller. Before a license is granted to any druggist, the applicant shall prove, in open court, to the satisfaction of the judge, that he is a druggist in good faith; that he is a man of good moral character, and shall make oath that he will not sell or trade any such liquors in violation of this act. In addition to which, he shall execute bond, with good and sufficient surety, to be approved by the said court, conditioned that he will not sell or trade any such liquor in violation of this act. Said bond shall be executed to the Commonwealth of Kentucky, and may be sued on as often as this act is violated. The druggist shall enter all prescriptions for spirituous, vinous or malt liquors, or any mixture wherein there is any spirituous, vinous or malt liquor, in a book to be kept for that purpose, the original prescription to be entered by pasting same in said book, which book shall be open for the inspection of the grand jury, any justice of the peace, the judge of the county court, or the police judge of any incorporated town in said county. Where two or more persons are partners in the drug business, the firm name and the individual names of the partners shall be signed to the bond aforesaid, and each of them shall take said oath. Every clerk in a drug store shall go before the county court, at a regular term, and make a similar oath; and should any clerk in a drug-store sell or trade any of said liquors unlawfully, both he and each of his principals, if more than one, shall be subject to the penalties hereinafter set out against selling said liquors.

Duties of justices
of peace.

§ 15. Should any justice of the peace in said county believe or have information that this act has been violated in his district, or should the county judge believe or have information that this act has been violated in the county, or should any police judge believe or have information that this act has been

violated in the town wherein he is judge, such justice, judge or police judge shall immediately issue a warrant for the arrest of the person believed to be a violator of this act, and shall proceed to hold an examining trial, and if there are reasonable grounds for believing that the defendant will, on final trial, be convicted, it shall be the duty of the justice, judge or police judge holding the examining trial to hold the defendant to answer at the next term of the Nelson circuit court, and may admit the accused to bail for his appearance at said court, or in default of bail, commit him to jail to await the action of the grand jury. Said bail shall not exceed two hundred and fifty dollars for each charge. Any of the aforesaid officers may summon any one before him whom he believes has knowledge of any violation of this act, and interrogate such one under oath, and may compel such one, by process of contempt, to appear before him and answer questions. Warrants and other process under this act shall be directed to the sheriff or other peace officer of Nelson county, or any other county in this State. The county attorney of Nelson county shall prosecute all offenders in any of the inferior courts above mentioned, and the Commonwealth's attorney for the judicial district in which Nelson county may be located shall prosecute all offenders in the circuit court. Any sheriff or peace officer who, negligently or willfully, shall fail to execute any warrant or process issued under this act, shall be punished as is hereinafter provided for.

§ 16. The election herein provided for may be held once a year until its provisions are adopted for the county, after which the vote shall not be taken oftener than every three years. If one or more elections are held under this act before the adoption of its provisions for the whole county, and in any of those former elections the sale of spirituous, vinous or malt liquors shall have been voted out of any justices' district, the same shall be binding and in force in said district for

three years ; and any subsequent election held during the three years shall not invalidate the vote under which the sale of said liquors was prohibited in said district ; but should, at any such subsequent election, said district again vote to prohibit the sale of such liquors in said district, then the three years shall commence from the time when the certificate of the examining board of the last election was entered upon the order book. Should the sale of such liquors be prevented by a vote under this act in said county, or in any justices' district thereof, and at the expiration of the three years those who are in favor of the sale of said liquors in said county or district, as the case may be, do not petition for another vote on the question, then it shall still be unlawful to sell or trade said liquors until there is an election under this act, at which election a majority of those voting vote for the sale of said liquors.

§ 17. Should any vote under this act be in favor of the sale of spirituous, vinous or malt liquors in either the county, district, precinct, city or town, said vote shall not annul any vote (or its result) against the sale of said liquors in such district, precinct, city or town, taken under another act than this, until same has been in effect for at least three years.

Nelson circuit
court.

§ 18. The judge of the Nelson circuit court shall give this act in charge to every Nelson county grand jury after the sale of said liquors shall, under this act, have been voted out of said county, or any part thereof.

§ 19. The county judge shall not make the order for the election herein provided for unless the aggregate possessions of the petitioners amount to a sum sufficient to cover all the costs of the election ; and all expenses of or incident to the election shall be taxed by the county clerk as costs, for which the petitioners shall be jointly and severally liable, and shall not be entitled to any exemptions against same.

§ 20. Should any one violate the provisions of this

act by selling or trading any spirituous, vinous, malt, or any intoxicating liquor whatever, within any territory wherein the selling or trading of such liquors is made unlawful, such person or persons shall, upon conviction, be fined not less than fifty dollars nor more than two hundred dollars, or imprisoned in the county jail not less than ten days nor more than one hundred days for each offense, or may be both so fined and imprisoned, in the discretion of the trial jury.

§ 21. Should the county judge, county clerk, sheriff, ^{Officers.} coroner, jailer, justice of the peace, police judge, or any other person upon whom this act imposes a duty, fail or refuse to fully perform said duty, such one so failing or refusing shall, upon conviction therefor, be fined not less than one hundred dollars, and imprisoned in the county jail for not less than ten days.

§ 22. Should any physician or any druggist, or any one else not included under the preceding section, or not included in the words "physician or druggist," do any thing which is by this act made unlawful, or fail or refuse to perform any duty imposed by this act, such a one shall, upon conviction therefor, be fined not less than fifty dollars and not ^{Penalties.} more than two hundred dollars, or imprisoned in the county jail not less than ten days and not more than fifty days, or be both so fined and imprisoned, in the discretion of the jury.

§ 23. All prosecutions under this act shall be in the circuit court.

§ 24. This act shall take effect and be in force from and after its passage.

[Became a law without approval of Governor March 30, 1888.]

CHAPTER 784.

AN ACT to enable common school district No 35, in Calloway county, to subscribe to the capital stock of any railroad company incorporated under the laws of this State in the mode prescribed herein, and provide for the payment of such subscription.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That common school district No. 35, in the county of Calloway, may become a stockholder in any railroad company incorporated under the laws of this State in any amount, and upon such terms and conditions as may be agreed on, not exceeding in the aggregate one-tenth of its taxable property, by complying with the requirements of this act, and pay the same in the coupon bonds of said common school district at par ; said bonds to be negotiable and payable in such sums and at such times as may be agreed upon, to bear a rate of interest not exceeding six per centum per annum, the interest to be represented by coupons attached to the bonds, payable semi-annually in the city of New York; *Provided, however,* That said railroad company shall run its railroad into or through said common school district. The bonds of said common school district to be signed by the county judge and county clerk of said county, with the seal of the county, the coupons to be signed by the clerk alone, with the seal of the county ; said bonds to be executed and delivered by said common school district upon such terms and conditions as may be agreed on by said common school district.

§ 2. That before any such subscription shall become valid and binding on said common school district, it is made the duty of the county judge, in his discretion, when requested so to do by the railroad company proposing to construct the line, to call a special election in said common school district, giving not less than thirty nor more than sixty days' notice, at

which election the legal voters of said common school district shall vote for or against the matter of subscription of stock to said railroad company; and if at any such election a majority of the qualified and legal voters of said common school district, voting at such election, shall vote in favor of the subscription of stock to said railroad company, the county judge of said county shall make the subscription in the name of said common school district; the county judge of said county shall appoint officers of the election residing in said common school district, who shall hold the same under the election laws of this State, and he shall fix the time, at the court-house in Murray, when such election shall be held, and the officers authorized by law to compare polls in county elections shall count and certify the result of such election.

§ 3. If said common school district shall subscribe to the capital stock of said railroad company, under this act, it is made the duty of the county judge of said county to levy annually a tax on the property of the tax-payers of said common school district, liable to taxation under the revenue laws of this State, a sum sufficient to pay the interest on its bonds as the same matures, and to create a sinking fund, from time to time, for payment of the bonds at maturity, with the cost of collecting the same, and to appoint a collector, and have the said taxes collected and applied to the payment of the interest on such bonds, and the bonds when they become due and payable; and should the sinking fund so created be insufficient to pay the bonds at maturity, in like manner to levy and have collected a tax to pay said bonds and the costs of collecting said taxes, first taking from said collector bond, with ample security, for the faithful performance of his duties, and to account in due time for all moneys collected under this act. If, after paying the interest on the bonds, there shall remain a

Duty of county judge.

surplus in the hands of the collector, for any one or more years, sufficient to take up one or more bonds, it is hereby made the duty of the county judge of said county to apply such surplus to the payment of any outstanding bond or bonds of said common school district.

§ 4. In case any proposition to subscribe stock under this act is defeated, it may be re-submitted, or another proposition submitted to another vote, at any time after thirty days.

§ 5. Prior to submitting any proposition under this act, the railroad company desiring such subscription shall, upon an order of the county judge of said county, deposit with the county clerk an amount of money sufficient to pay all expenses incident to holding an election under this act.

§ 6. All elections held under this act shall be conducted under the election laws of this State.

§ 7. This act shall take effect and be enforced from and after its passage.

[Became a law without approval of Governor March 30, 1888.]

CHAPTER 785.

AN ACT to incorporate the Deposit Bank at Fulton, Fulton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established a Savings and Deposit Bank in Fulton, Fulton county, Kentucky, with a capital of two hundred thousand dollars, in shares of one hundred dollars each, to be subscribed and paid for as hereinafter provided; and the subscribers to said stock, their associates, successors and assigns, shall be a body-politic and corporate, by the name and style of Deposit Bank, and shall so continue for thirty years from the date of its organization, unless sooner dissolved by a majority in interest

of the stockholders therein ; and shall have and may exercise all the rights and privileges of a natural person in contracting and being contracted with, and as such may sue and be sued, and plead, answer and defend, in any court or place whatever ; and may have and use a common seal, and change the same at pleasure.

§ 2. Said bank shall be under the control and management of a board of nine directors, and shall hold their offices until their successors are elected and have qualified ; and after the first election under this charter they shall be elected annually on the first Monday in January of each year, or as soon as possible thereafter ; and in case of a vacancy for any cause, the remaining directors may fill the same with other stockholders ; they shall elect one of their number president ; they shall have power to sell any of their stock not subscribed for ; to declare dividends arising out of the profits of the business of said bank ; to appoint such officers, agents and employes as may be necessary to properly conduct the business of said bank, and pay them for their services, and may take such bonds from the president, cashier or other employes of said bank as they may deem necessary to insure a faithful performance of their respective duties ; and may make and enforce such by-laws as may be necessary for the proper management and control of the affairs of said bank : *Provided*, The same be not inconsistent with the Constitution or laws of this State or of the United States.

§ 3. That James P. Tyler, J. W. Chambers, C. E. Rice, D. J. Bard, W. T. Carr, W. W. Evans, J. M. Freeman, L. Barry, J. A. Wyatt, T. D. Pierce and J. W. Mott are hereby constituted and appointed a board of directors for said bank, to hold office as such until their successors are elected and have qualified ; and they may fill any vacancy occurring in their number, and shall provide for an election of directors by the stockholders in one month after its organization.

The directors aforesaid shall cause the cashier to give due and proper notice to all the stockholders, by publication in some newspaper printed in Fulton, or by written or printed notices through the mails, of the proposed time and manner of holding said first election, at which every stockholder shall be entitled to cast one vote, in person or by proxy, for each share of stock owned by him, and on which he has paid in full all the called installments due at the date of said election.

§ 4. The board of directors, as named in section three of this act, may appoint one or more of their number to open books, and take subscriptions to the capital stock of said bank, and to receive and hold in trust, for the use and benefit of the subscribers, any sums, not less than five dollars per share, that may be paid in by any subscribers at or after the time of making said subscription and before the organization of the bank; and as soon as five hundred shares of said stock shall have been subscribed for, they may organize said bank by electing a president and appointing a cashier; and may begin business as soon as seventy-five hundred dollars of the capital has been paid in: *Provided*, That the cashier shall first go before the county judge, or some justice of the peace, clerk of a court of record, or notary public, and make and subscribe to an oath (or affirmation) that said seventy-five hundred dollars of capital has actually been subscribed and paid in.

§ 5. After the organization of said bank, the calls for payments of installments or the subscriptions of stock shall not at any one time exceed ten dollars per share, nor be made oftener than one call per month; and at least ten days' notice shall be given each subscriber of the time such installment will be due; and any share of stock on which any called installment is at any time thirty days over due, may be declared forfeited by the board of directors after ten days' notice in writing to the owner thereof of

their intention to forfeit same, provided the same still remains unpaid. All shares of stock so forfeited by the board shall be sold at public auction, after notice to pay, first, all such due or overdue installments to the bank and the expense of making the sale, and the remainder, if any, shall be placed to the credit of the stockholder in the books of the bank, and notice shall be given him of the amount thereof.

§ 6. The stock in said bank shall be deemed personal property, and shall be transferable only on the books of the bank by the stockholder, his agent or attorney, under such rules and regulations as the directors shall from time to time establish; and every stockholder shall be individually liable to the creditors of the bank for the full amount of the unpaid stock subscribed for and owned by him.

§ 7. Said bank, when organized, may receive deposits of gold and silver coin, bank notes, and all other notes which may be lawfully circulated as money, and repay the same in such manner and at such times as may be agreed on with the depositor by general or special contract; may transact a general banking business, loan money, discount paper, buy and sell bills of exchange, promissory notes, uncurrent money, stocks, bonds and other evidences of debt; take personal, collateral, or other security for the payment of same, and dispose of such stocks, bonds and securities in accordance with the provisions of an act, entitled "An act for the benefit of the incorporated banks of Kentucky," approved March 16, 1871.

§ 8. Said bank may acquire, hold and use such real estate, goods and chattels, as may be necessary for the transaction of its business, or which may be conveyed to it as security for, or purchased in satisfaction of, any debt, judgment or decree, and may sell and convey the same, and may buy its own stock in satisfaction of any such debt, judgment or decree, but must

resell the same as soon as practicable; but no real estate purchased by it in satisfaction of any debt, judgment or decree shall be held for a longer period than five years.

§ 9. Said bank may receive deposits from minors and married women, and the receipts and acquittances of such minors and married women shall be valid and binding.

§ 10 The president, cashier, directors, and other officers of said bank, before entering on the discharge of their respective duties, shall each take an oath (or affirmation) before the county judge, or some justice of the peace, clerk of a court of record, or notary public, faithfully, and to the best of their skill and ability and judgment, to discharge all the duties of their respective offices or stations under this charter, or which may be required of them by the by-laws, rules and regulations, of the corporation, and that they will not sanction or permit the violation of any of the provisions of this charter during their continuance in office.

§ 11. The Legislature reserves the right to amend, alter or repeal this charter at pleasure.

§ 12. This act shall take effect from and after its passage.

Approved March 30, 1888.

CHAPTER 786.

AN ACT to authorize the county court of Crittenden county to levy an ad valorem tax for paying the indebtedness of said county, and repairing and building bridges in said county, and to keep same in repair.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Crittenden county, a majority of the justices of the peace of said county being present and concurring therein, be, and is hereby, authorized and empowered to levy once a year an

ad valorem tax of not exceeding ten cents on each one hundred dollars' worth of taxable property in said county; and the county judge of said county shall have power to call the justices of the peace of said county together to levy said tax for the year 1888; and the money, when so raised, to be used in paying the indebtedness of said county now existing, building and repairing bridges, and keeping the same in repair.

§ 2. It shall be the duty of the sheriff of said county to collect said taxes, and for collecting same shall be allowed the same commission now allowed them by law for collecting the revenue tax. They shall faithfully perform their duty in collecting, accounting for, and paying over the said taxes in due time, as the said county court may direct, and shall be held responsible upon his said bonds as sheriff for failing to perform his duties under this act.

§ 3. This act shall be in force from and after its passage.

Approved March 30, 1888.

CHAPTER 787.

AN ACT to amend an act, entitled "An act to amend an act incorporating Hamilton College, in the city of Lexington," approved March 18, 1884.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to amend an act incorporating Hamilton College, in the city of Lexington, Kentucky," approved March 18, 1884, be, and the same is hereby, amended so as to read as follows, to wit: Each share of fifty dollars of paid-up stock shall entitle the holder thereof to one vote on all questions subject to determination by the stockholders, which vote may be cast either in person or by written proxy.

§ 2. At all meetings of the stockholders said stockholders shall elect a chairman to preside over their deliberations, and shall choose a secretary for recording the minutes thereof; and it shall be the duty of said stockholders to consider all questions brought before them pertaining to their interests.

§ 3. Upon the written request of the holders of one-third of the stock, addressed to the president of the board of trustees, it shall be his duty to call a meeting of the stockholders, by advertising the same daily in some newspaper published daily in the city of Lexington, Kentucky, at least ten days before the meeting.

§ 4. All acts and parts of acts in conflict with this act are hereby repealed; and this act shall be in force and take effect from and after its passage.

Approved March 30, 1883.

CHAPTER 788.

AN ACT to establish a Normal School at Augusta, in Bracken county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an institution of learning is hereby established in Augusta, in Bracken county, by the name and style of "The Augusta Normal School," which shall be under the control of George Doniphan, C. R. McCormick, G. H. McKibben, T. S. Bradford, Geo. W. Moneyhon, and J. R. Minor and their successors, as trustees of said institution. If at any time a vacancy shall occur by death, removal, or resignation, the other trustees shall appoint a suitable person to fill the vacancy. They shall have power to appoint one of their number president of their board, and such other officers as they may deem proper. They shall have power to employ such professors of learning as they may desire to teach said normal school,

and may co-operate with the common school trustees, and make such arrangements as may be agreeable and advantageous to the institution hereby created, and the advancement of learning; they may hold annual commencements and public examinations of the pupils, and may confer such honorary degrees and diplomas as is usual in colleges and high schools in this Commonwealth. They may adopt all needful by-laws, rules and regulations, necessary for the government of said institution, and shall be a body-corporate, under the name and style of "The Augusta Normal School;" and may contract and be contracted with, sue and be sued, acquire and hold real or personal property, sell and dispose of the same in their corporate name.

§ 2. That said normal school shall receive students of both sexes, and any degree of advancement.

§ 3. This act shall take effect from its passage.

Approved March 30, 1888.

CHAPTER 789.

AN ACT to incorporate the Adelphian Society of Hartford College and Business Institute.

WHEREAS, W. Alexander, McHenry Rhoads, B. D. Ringo, J. Z. Smith, H. C. Truman, J. D. Coleman, C. W. Hesson, E. O. Ross, J. W. Lytle, Lem. McHenry, J. H. Williams, C. M. Crow, J. E. Pendleton, Jr., O. M. Shultz, S. W. Hesson, H. B. Taylor, B. L. Harrison, F. W. Samples, Willie Foster, Lonnie Render, J. H. B. Carson, J. W. Bartlett and J. M. Hathway, of Ohio county, State of Kentucky, desiring to further intellectual and scientific culture; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That these gentlemen, with all others with whom they may become associated, be incorporated

as a body-politic, for the purpose above mentioned, with the privilege of contracting and being contracted with, suing and being sued, acquiring and holding property.

§ 2. That this association shall be designated as the Adelpian Society of Hartford College and Business Institute.

§ 3. That business of this society shall be transacted by an executive committee of five members chosen by ballot, as the society may designate in their by-laws; one of whom shall be a president, one vice-president, one secretary, one sergeant-at-arms, and one treasurer.

§ 4. That in no way shall private property become subject to debts of the society, except it be hypothecated by the owner as surety for such debt.

§ 5. That the society shall be indissolubly connected with Hartford College and Business Institute, and subject to such regulations as the trustees of said college may impose during the existence of the said college.

§ 6. This act shall take effect from its passage.

Approved March 30, 1888.

CHAPTER 790.

AN ACT to amend an act, entitled "An act to amend and reduce into one the several acts in reference to the town of Marion," approved March 20th, 1876.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That article two, section six, of said act be amended by adding thereto the following: "In case of the vacancy in the office of marshal of said town, the board of trustees of said town shall have power and authority to appoint a marshal to fill said vacancy, who shall hold his office until the next regular election thereafter held for the election of trustees of said town."

§ 2. That article five, section two, subsection two, of said act be amended so as to read as follows: To grant license for the sale of spirituous, vinous and malt liquors in said town, and to tax and regulate the selling of any ardent spirits, or other intoxicating, fermented, vinous or malt liquors, by any hotel-keeper, tavern-keeper or innkeeper, coffee-house or merchant in said town, under and by virtue of the present statutory laws of this Commonwealth: *Provided*, That in addition to the State tax required by law to be paid to the county court clerk of said county, the tax under this act upon licensed hotels, tavern or innkeepers shall not be less than two hundred and fifty dollars nor more than five hundred dollars, within the discretion of the board of trustees; and the tax upon merchants' license shall not be less than one hundred nor more than two hundred dollars; and the license upon coffee-houses, with the privilege of selling liquors by retail, shall not be less than four hundred dollars nor more than six hundred, in addition to the State tax required by law: *Provided further*, That no hotel, tavern or innkeeper, merchant or coffee-house-keeper, shall be authorized to sell under a license granted by the board of trustees until he shall have first paid over to the clerk of the Crittenden county court the tax required by law to be paid by the venders of ardent spirits.

§ 3. That all acts and parts of acts in conflict with this act are hereby repealed; and that this act take effect from and after its passage.

Approved March 30, 1888.

CHAPTER 791.

AN ACT to authorize the people of Grayson county to vote an ad valorem tax to pay its indebtedness.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the people of Grayson county shall be allowed to vote an ad valorem tax of not less than five cents on the one hundred dollars' worth of property in said county subject to taxation, and not more than ten cents on the one hundred dollars' worth of property subject to taxation at the time of holding said election in said county. Said election shall be on the first Monday in August, 1888, at the same time and place where the State election is held. It shall be the duty of the sheriffs of the election at the different voting places in said county to propound to each voter the question, Are you for or against levying an ad valorem tax for the payment of the indebtedness of said county? If he votes in the affirmative, his vote shall be recorded in favor of the tax; and if he votes in the negative, his vote shall be recorded against the tax; then, if the majority of the legal votes cast are for the tax, then the tax shall be due when the majority of the votes are cast in favor of the tax, and shall be collected by the sheriff of said county the same as he collects the State tax; and then the sheriff paying the taxes when collected over to the county judge of said county, and said county judge giving good bond for the same received; and said county judge to pay out said money as the county court directs: *Provided*, Said money is paying the debts the county owes, and not to be used otherwise. The county judge is to prepare poll-books for recording the votes for and against the tax, and the expense of the same to be paid out of the county levy; and shall be the duty of the said county judge to notify the votes of the county through the county papers, three weeks before the election,

that there will be a tax vote taken on the regular August election day of the year 1888; and the county judge to fix the rate to be voted, not less than five cents on the one hundred dollars' worth of property, nor more than ten cents on the one hundred dollars' worth of taxable property.

§ 2. This act to take an effect from and after its passage.

Approved March 30, 1888.

CHAPTER 792.

AN ACT to amend an act, entitled "An act to authorize the city of Henderson to issue bonds and fund her present indebtedness," approved January 30, 1878.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all of section (4) four of an act, entitled "An act to authorize the city of Henderson to issue bonds and fund her present indebtedness," approved January 30, 1878, be, and the same is hereby, repealed, and in lieu thereof the following is inserted and enacted in its stead, viz: "For the payment of the interest on said bonds as it accrues, and the principal when it matures, the revenues and resources of said city are pledged." And to this end it is further enacted, that the said common council shall annually cause to be levied and collected a tax sufficient to pay the current interest on said bonds, and the cost of collecting said tax, upon all the property in said city subject to taxation under the present revenue laws of this State, including the amounts owned by the residents of said city, which is taxed by the State under the equalization law, and including all real estate in said city owned by the banks or banking corporations, whether used by them in conducting their business or not. The tax levied under this act shall be paid by the collecting officer to the treasurer of the board of

sinking fund commissioners, and his receipt taken therefor; and the said treasurer shall hold and use same exclusively for the payment of the interest on the said bonds heretofore issued; and whereas, doubts have arisen as to whether the property owned by the Louisville and Nashville Railroad Company in the city of Henderson is subject to taxation to pay the interest on that series of the funding bonds of the city issued and used in taking up and paying off the bonds issued in payment for stock in the Evansville, Henderson and Nashville Railroad Company; therefore, *Be it further enacted*, That all the property owned by the Louisville and Nashville Railroad Company, its assigns or successors, in said city, shall be liable to taxation under this act, for the purpose of paying the interest on the aforesaid funding bonds and the principal when it matures, and for the purpose of paying the interest on all other bonds of the city of Henderson issued under the act to which this is an amendment. And the taxation of the Louisville and Nashville Railroad property as aforesaid, to pay the interest on the bonds aforesaid, is not in any way to change or affect the liability of other property in said city for the purposes mentioned in this act and the act to which this is an amendment.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 30, 1868.

CHAPTER 793.

AN ACT to incorporate the Louisville Deposit Bank.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Julius Bamberger, Louis Barkhouse, Morris A. Sachs, N. F. Block, M. J. Streng, A. Rosenthal, D. A. Sachs, Henry Laub, and Joseph Sabel,

Incorporators.

together with their associates and assigns, be, and they are hereby, appointed and made a corporation and body-politic, under the name and style of "The Name. Louisville Deposit Bank," and shall continue until the first day of January, 1918; and by that name are made capable in law to have, purchase or receive, possess, enjoy and retain, to them and their successors, lands, rents, tenements, goods, chattels, public and private securities of any kind, not exceeding at any one time the sum of five hundred thousand dollars, and to sell, encumber or dispose of the same; to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in any court of record, or any other place whatsoever. Also to make and use a common seal, and the same to break, alter and renew at pleasure. Also to ordain, establish and put in execution such by-laws as may be necessary or convenient for the government of said corporation, not contrary to the laws of this State or the United States.

§ 2. The capital stock of said company shall not Capital stock. exceed five hundred thousand dollars, and shall be divided into shares of one hundred dollars each.

§ 3. The corporators named in this act, or any three Books for sub- of them, may open books for the subscription of scription. stock, and when one thousand shares shall have been subscribed for, said corporation shall give notice of a meeting of the subscribers, when twenty dollars shall be paid on each share subscribed for, and the company may be organized, when the remaining eighty Organize. dollars shall be secured, to be paid at the time and in the manner that shall be designated by the shareholders who have paid in twenty dollars on each share subscribed for. Corporators named who shall fail to subscribe for stock shall not be members of the company, and all such subscribers as shall fail to pay twenty dollars on each share subscribed for, on the day designated in the above named notice, shall cease to be stockholders, and the stock subscribed for

by them may be subscribed for by others under the direction of the person or persons who received the original subscription ; and in case any subscriber shall fail to pay any call made by the board of directors (who are hereby authorized to make such calls) for the unpaid balance of his subscriptions, and remain in default for sixty days, the board may, in its discretion, forfeit his stock for the benefit of the company, upon the company refunding to him his money ; and the board of directors may, in their by-laws, prescribe the manner in which the capital stock shall be increased ; but in no event shall it exceed the sum of five hundred thousand dollars.

Management.

§ 4. The business of the company shall be managed by not less than five nor more than nine directors, to be chosen by the subscribers or stockholders ; and no one shall be a director unless he is the owner of stock in said bank. An election for directors shall be held at the first meeting of the subscribers, and the directors then elected shall continue in office until the first Monday in January succeeding, or until their successors are chosen ; and on the first Monday in January of each year thereafter an election for directors shall be held in the office of the company, under the direction of three stockholders, who shall have been appointed by the directors for that purpose. Such elections shall be held by ballot, and by plurality of votes of the stockholders and their proxies, allowing one vote for each share of stock represented. The rule of voting stock shall apply to all questions submitted to the decision of the stockholders. Should an election for directors, from any cause, fail to be made on the day herein designated, the corporation shall not, from that cause, be dissolved ; but any and all elections made subsequent thereto, by competent authority, shall be deemed valid, and so held. The board of directors may, at any time, fill vacancies according to rules to be established by the by-laws of the corporation.

§ 5. The board of directors may choose one of their ^{President} number for president, in such manner and for such a period as they may ordain, and employ such clerks, officers, agents or servants as they may deem necessary to a proper conduct of the affairs of the company; fix their salaries, prescribe their duties, and, at their option, receive bonds, with security, for the faithful performance of their duties; and may also require each officer to make oath before a justice of the peace that he will honestly and faithfully discharge all his duties as an officer of the corporation.

§ 6. A majority of the board of directors shall form ^{Quorum.} a quorum for the transaction of business.

§ 7. The form of certificates of shares of stock, and ^{Certificate.} manner of transfer of same, shall be regulated by the by-laws of the corporation, and a lien is hereby created in favor of the corporation on the stock of each share-holder for any claim that the company may have for the unpaid part of his shares.

§ 8. A statement of the affairs of the company shall ^{Statement of affairs.} be made on the first Monday in January of each year for the inspection of stockholders, and the president and directors may declare a dividend of profits (if any have been made) as they may deem proper.

§ 9. It shall be lawful for this corporation to do ^{Savings bank.} business as a savings bank, and as such shall receive on deposit any sum, during banking hours, if not less than one dollar; and minors and married women may, in their own name, deposit therein, and check therefrom, unless restrained by some competent tribunal. Interest as agreed upon, not to exceed six per cent. per annum, may be allowed on such deposits.

§ 10. In no case shall this corporation exercise the business of banking by issuing notes to circulate as money; but they may make advances on and receive in pledge for money loaned, or debts due them, public and private securities, goods, wares, merchandise; may sell the same on the non-payment of the debt or

demand, according to the terms agreed upon between the parties by written contract at the time the debt was created, under the provisions of an act of the General Assembly of the Commonwealth of Kentucky, entitled "An act for the benefit of the incorporated banks of Kentucky," approved March 16, 1871.

§ 11. Said corporation may receive on deposit gold, Receive deposits silver, bank notes or other currency, and shall be permitted to deal in the same; also in bills of exchange, promissory notes, and other evidences of debt; take personal and other securities therefor, and dispose of the latter as may be agreed upon in all respects as natural persons may do; and the promissory notes made negotiable and payable at its banking house, or at any bank, which may be discounted by it, and inland bills which may be discounted by it, shall be, and they are hereby, put upon the same footing of foreign bills of exchange, and like remedy may be had thereon, jointly or severally, against drawers and indorsers.

§ 12. This act shall take effect and be in force from its passage.

Approved March 30, 1888.

CHAPTER 794.

AN ACT to incorporate the Bedford Loan and Deposit Bank.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. F. Peak, W. R. Logan, J. A. Trout, Jas. W. Bell, Dr. Chan. Yager, Van R. Mullikin, F. S. Wright and W. R. Morgan, and their successors and assigns, are hereby created a body-politic and corporate, by the name of the Bedford Loan and Deposit Bank, with power in that name to contract and be contracted with, sue and be sued, plead and

Name.

be impleaded, answer and defend, in all courts whatever; and to have and use a common seal, and to change the same at pleasure; and to make all necessary rules, regulations and by-laws for its government and management of its business not inconsistent with the laws of the State and United States.

§ 2. That said bank shall have power to transact ^{a Transact business.} general banking and financial business; to loan and advance money, discount promissory notes, buy and sell exchange, stocks, and all kinds of mercantile securities; promissory notes made negotiable and payable at the said bank, or any other bank doing business in this State, or any national bank, or at the office of any licensed broker, and all inland bills which may be discounted or purchased prior to maturity by said company, shall be, and they are hereby, put upon the footing of foreign bills of exchange, and like remedy may be had thereon, jointly or severally, against the makers, drawers, indorsers, or other parties thereto.

§ 3. The said bank shall have power to make ad- ^{Powers.} vances on securities of every kind, and upon any and all products of the country, and any and all manufactured articles; and it may receive stocks, bonds and all other thing or things, or any part thereof, upon which it shall have loaned or advanced money, in pledge for the security thereof; and the provision of an act, entitled "An act for the benefit of the incorporated banks of Kentucky," approved March 16, 1871, so far as the same authorizes the disposition of such pledges or securities, are made parts hereof as fully as if written and printed herein. It may receive deposits of gold, silver, bank notes, United States Treasury notes, and all other currency, and pay the same in kind or as may be agreed upon by general or special contract; and may allow interest on deposits not to exceed the rate allowed by the laws of Kentucky; it may issue letters of credit payable throughout the United States and elsewhere, but it shall not issue bills to circulate as money.

Capital stock. § 4. The capital stock of said bank shall be (\$10,000) ten thousand dollars, with the rights and privilege of increasing same to fifty thousand dollars, and shall be divided into shares of fifty dollars each. The shares or stock shall be personal property, and transferable on the books of the bank according to its by-laws. Each share of stock shall entitle the holder to one vote, which may be in person or by written proxy, at all elections and all meetings of stockholders.

§ 5. The persons named in the first section of this act shall act as commissioners to receive subscriptions of stock, and when as much as five thousand dollars shall have been paid in cash, the said corporators may proceed to business.

§ 6. The persons named in the first section of this act shall be the first board of directors, and shall organize by choosing one of their number president ; but if any of said persons shall fail or refuse to qualify or act, his or their places may be treated as vacant, and the vacancy or vacancies may be filled by the remainder ; and all vacancies occurring at any time may be filled by the remaining members of the board of directors. An election for directors shall be held once in each year, from and after the expiration of one year after the organization, at the office of the bank in Bedford, notice of which shall be given through the post-office to each stockholder, at least ten days' prior to the day of election, or by notice printed in some paper of general circulation published in the county. The board of directors shall be composed of five (5) stockholders, and they shall hold their office until their successors shall be elected and qualified ; and the president shall be elected by said board and be one of the directors. The election of directors shall be held by three stockholders, two of whom shall certify the result, and said certificate shall be recorded in a book of the company.

§ 7. The said bank may acquire, hold, possess, use,

occupy and enjoy all real and personal property, goods, chattels and other things necessary for the transaction of its business, or which may be conveyed to it as security for any debt, loan or advance, or purchased by it in satisfaction, in whole or in part, of any debt, judgment or decree, and sell and convey, or otherwise dispose thereof, as a natural person.

§ 8. The number of directors and officers may be increased or diminished at the pleasure and by a majority vote of the stockholders.

§ 9. No stock or certificate of stock shall be issued until fully paid for; but any subscriber may demand and receive stock in proportion to the amount he shall have paid upon his or her subscription: *Provided*, Said payment or payments shall have amounted to as much as fifty dollars; but no stock or certificate shall be issued for a less sum than fifty dollars.

§ 10. Said bank may receive deposits from minors and married women, and the checks of said minors and married women, or their receipts for same, shall be valid and binding.

§ 11. The directors may, by a vote of a majority of the board at any time, remove any cashier, teller, clerk or other officer or employe; and each and every officer and employe shall be held and taken to enter, and have entered upon his duties, subject to the provisions hereof in regard to his or her removal, as fully as if the same had been reduced to writing, and by him or her signed, acknowledged and delivered.

§ 12. The president and directors may appoint all necessary agents, officers and servants, fix their compensation, and take bond or bonds as security for the faithful performance of their duties, and may, from time to time, maintain, in any court having jurisdiction, suit or suits thereon for breaches of the covenants thereof.

§ 13. The private property of the stockholders shall

be exempt from the corporate debts, save that each stockholder shall be liable for corporate debts to the amount of his or her unpaid subscriptions to the capital stock.

§ 14. The president of said bank shall have power, by and with the consent of a majority of the board of directors entered on the books of said bank, to convey by deed any real estate that may be purchased under section 6 of this charter.

§ 15. This charter shall continue in force for thirty years, unless sooner dissolved by a majority of the stockholders.

§ 16. The shares of stock subscribed shall be paid in from time to time, and in such installments as may be required by the president and board of directors.

§ 17. The directors may declare annual or semi-annual dividends of the profits arising from the business of said bank.

§ 18. The said bank shall not hold any real estate conveyed to it as security for, or in payment of any judgment, decree or debt due to it, for a longer period than five years ; but the period or time such real estate may be in litigation shall not be computed in said five years.

§ 19. Any stockholder, or any person or committee appointed by the General Assembly of the State of Kentucky, or any person authorized by the General Assembly of the State of Kentucky, shall, at all reasonable times, be permitted to examine the books of said bank.

§ 20. This act shall take effect from its passage.

Approved March 30, 1888.

CHAPTER 795.

AN ACT to incorporate the Hardinsburg Normal and Collegiate Institute.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is established in the town of Har- High school.
dinsburg, Breckinridge county, Kentucky, a high school, to be known as the Hardinsburg Normal and Collegiate Institute. Said school embrace a district including the town of Hardinsburg and common school district No. 16, in said county, and is hereby placed under the control and management of five Management.
trustees, who shall hold their office for five years, and until their successors are elected and qualified, one of whom shall be elected each year, except as herein provided. Said trustees, by virtue of their office, shall also be the common school trustees for said district. They shall be elected by the persons in said district having the qualifications of electors under the common school law, and in same way, and at the same place, as is provided by the common school law for the election of common school trustees. Said election shall be held on the first Saturday in April in each year. But no election for trustees shall be held before the first Saturday in April, 1889.

§ 2. That Morris Eskridge, Taylor Beard, James Bishop, A. M. Knichelor, and Joseph Busby are Trustees ap-
hereby appointed trustees for said school and district, and shall hold their office until the first Saturday in April, 1889, and until their successors are elected and qualified. The trustee having the shortest time to serve shall be the chairman of the board. The members of this board of trustees, who compose the present board of trustees of common school district No. 16, shall hold for the same time as if this act was not in existence, except that their term shall be extended from June until April, 1889. The five trus-

tees hereby appointed shall determine which of the two new appointees shall hold for four years and which for five. Said trustees and their successors in office are hereby created a body-corporate and politic, under the name and style of "The Trustees of the Hardinsburg Normal and Collegiate Institute ;" in which name they may sue and be sued, plead and be impleaded, and contract and be contracted with. Before entering upon their duties as trustees they shall take an oath to faithfully discharge their duties as trustees and as common school trustees for said common school district. In case of a vacancy in the board by failure to elect or hold an election, or from any other cause, the board may appoint a trustee to fill the vacancy until the next regular election, when said vacancy shall be filled by an election. Any three of said board may constitute a quorum to do business.

Teachers.

§ 3. That said trustees shall have power to employ teachers, and dismiss them for cause, and, in conjunction with the teachers, to grade said school, and to decide, if need be, who shall enter each grade, and to prescribe the text-books to be used in said school.

Keep record.

The trustees shall keep a record of their proceedings, which shall be open at all times to inspection. They shall appoint one of their number treasurer, whose duty it shall be to receive and keep all the money of said board, and pay the same out on their order.

Treasurer.

At the end of each year of his term of office, the treasurer shall make a report to said board, showing the amount of money received by him, and the amount paid out, and file with said report the proper voucher for each payment made by him. He shall keep a true and faithful account of his transactions, which shall be open to inspection at any time to said board. Before entering upon the duties of his office he shall execute bond, with good security, to be approved by the board, conditioned that he will safely keep all moneys that may come into his hands, and pay

it over on the order of said board, and for a faithful performance of his duties, which shall be examined and approved by the board, and he and his sureties shall be liable thereon for any failure to discharge his duty, such action to be in the corporate name of said board. Said board shall also appoint a clerk from Clerk. among their number, whose duty it shall be to keep a correct record of all their proceedings. Said treasurer and clerk shall be appointed at the first meeting of said board after each election, and shall hold their office for one year, and until their successors are appointed and qualified; and at the expiration of their term shall deliver to their successor, or the board of trustees, all books and records in their possession belonging or pertaining to their office.

§ 4. The said trustees shall cause to be taught the common school for said district as required by law, and report the same; and upon their complying with the law as required of common school trustees, said district shall be entitled to draw its *per capita* of the common school fund, according to the common school law.

§ 5. The trustees shall have power, and it shall be Tax. their duty, to levy upon each white male inhabitant living in said district a poll-tax not exceeding two dollars, and an ad valorem tax not exceeding twenty-five cents on each one hundred dollars' worth of real estate in said district, whether the owner resides therein or not, and on all personal property, money and choses in action owned by residents of said district and listed by them for taxation.

§ 6. The said trustees may appoint an assessor to Assessor. assess said property and polls, who shall be paid therefor the same as the county assessor is paid for like services; or said trustees may cause the clerk of the county court to make out said list of property and polls from the assessor's book of the county for that year. The clerk shall be paid therefor by said Fees. board the same fees as for copying the tax-book

for the sheriff or Auditor. All taxes collected under this act shall be set apart as a school fund, and be used by the trustees for the purpose of employing teachers and paying their salary, and to extend the common school term beyond a period of five months, and as long as practicable, and for the purpose of repairing and improving the school property, purchasing desks and school-room furniture, providing the school with fuel, and defraying other necessary expenses incidental to said school, and for the comfortable conducting of the same.

Lists.

§ 7. After the assessor has made out his list, or the clerk has made the same as herein required, they shall report and return the same to the board of trustees, which shall be examined and approved by them. Said list shall be retained by said board and preserved by them, and a copy thereof delivered by them to the clerk of the county court, to be preserved by him as a public record, the same as the assessor's books for said county. If, from any cause, there shall be a mistake made in any part of said list, or any property or poll omitted in said district, the said board of trustees may correct said list, or report said property or poll.

Collector.

§ 8. Said trustees shall have power to appoint a collector of taxes for said district, and agree with him as to compensation, which shall not exceed the fees paid the sheriff for collecting the county levy. The collector, before he proceeds to act, shall give bond, with sufficient security, and similar to that given by the sheriff for the collection of the county levy, and for the faithful performance of his duty, which shall be examined and approved by the board of trustees; or said board of trustees may deliver said list to the sheriff of the county for collection, who shall be required to give bond the same as a collector herein provided for. Said collector or sheriff shall collect and pay over to the treasurer of the board of trustees all of said taxes, within two months

from the time they receive said list; and at the end of said two months they shall make a settlement with the treasurer of the board of trustees, which shall be reported by said treasurer to the board of trustees and be examined and approved by them, and entered upon the records of said board, and preserved by them as other records. For any failure of duty by said collector or sheriff, suit may be brought on their bonds by the board of trustees.

§ 9. This act in regard to said taxes shall not take Vote to be taken. effect until the same shall be submitted to the qualified white voters of said district and ratified by a majority of the votes cast at said election. All persons authorized to vote for common school trustees in said district shall be qualified voters at said election. Said election may be ordered at any time by a majority of the board of trustees. Ten days' previous notice of said election shall be given by written or printed notices, posted at three or more public places in said district, stating the time, place and object of said election. Said election shall be held at the school-house in said district between the hours of one o'clock P. M. and five o'clock P. M. on the day appointed by said trustees. If, from any cause, the election is not held on the day fixed, or if held, and the same is not ratified, it may again be submitted by said trustees, and as often thereafter as they may deem fit until ratified; and when so ratified by a majority of the votes cast at said election, the same shall be in force and effect from that day.

§ 10. The superintendent of common schools for Breckinridge county shall appoint the officer of said election, a clerk and two judges, who shall be qualified voters of said district; and on his failure to make said appointment, it shall be the duty of the board of trustees to appoint the same. Said officers at the close of the polls shall certify to said poll-book, and deliver the same to the board of trustees, and at the same time they shall deliver to them a separate certifi- County superintendent's duties.

icate, showing the numbers of votes cast, both for and against said tax. Said trustees, on the Monday following said election, shall examine and compare said poll-book, and if said tax shall be ratified by a majority of the votes cast, said trustees shall make out a certificate showing the fact, together with the number of votes cast for and against said tax, and enter the same of record. They shall also deliver a certified copy of said poll-book to the clerk of the county court, and a copy of said certificate. Said poll-book or copy shall be preserved by the clerk with the records of his office, and the certificate entered of record on the order-book of the county court of the county, and the certificate filed away and preserved with the records.

Change boundary.

§ 11. The trustees of said school may at any time, by application to the superintendent of common schools for the county, and with his consent, enlarge their district or reduce the same; but before said district shall be so enlarged, five days' notice of said application must be given by said trustees to the district to be affected thereby.

System of laws.

§ 12. The trustees, in connection with the faculty, may enact, alter and amend such a system of laws and regulations for the government of said school as they may deem necessary for properly conducting the same, not inconsistent with the laws of the State for the government of the common school.

Grant diplomas.

§ 13. That the faculty of said school, in conjunction with the trustees, shall have the power to grant diplomas in the scientific and classical department usual in colleges, and they shall have the power to grant teacher's diplomas to those finishing the teacher's course.

§ 14. This act shall take effect from and after its passage.

Approved March 30, 1888.

CHAPTER 796.

AN ACT to extend the corporate limits of the city of Mayfield, in Graves county, and to amend the charter of same.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the corporate limits of the city of Mayfield, in Graves county, be, and the same are hereby, extended as follows, viz: From the north line of the present city limits north to the south fence of the Anderson family grave-yard; thence east as far as the east line of Dr. Joe Reynolds' yard fence; thence south to the south side of the street lying north of and against the west Kentucky College grounds; thence west to the east side of the old tobacco house on the Columbus road, owned by H. J. Moorman; thence north to the beginning; and that from the points above mentioned, viz: the grave-yard, Reynolds' fence, the college grounds and the said tobacco house, lines running north and south from Reynolds' said fence and the said old tobacco barn, and east and west from the grave-yard fence, and from the said north of the college grounds with same, bearing as the existing streets of said city until these indicated lines shall come together, forming the corners to the hereby extended limits of said city of Mayfield.

Extension of
corporate limits

§ 2. That the above extended lines, and the area included therein, shall constitute and be the incorporated limits of the said city of Mayfield; and all laws enacted by authority of the General Assembly in reference to the city of Mayfield, and all the ordinances of the said city of Mayfield, and all general laws applying to the same, and not repealed, are hereby extended to and made enforceable within the above extended limits of said city: *Provided*, That no lands included in said limits, which are used ex-

Corporate limits.

clusively for agricultural purposes, shall be taxed for city purposes.

§ 3. That hereafter no clerical error or informality in the assessment of property in the corporate limits of the city of Mayfield for city taxes shall be available to avoid the payment of said taxes.

§ 4. As soon as is convenient the city council of the said city of Mayfield shall cause the lines extending the corporate limits indicated in this act to be surveyed and marked, and have same recorded in the proceedings of the council; but a failure to do this shall in nowise invalidate the force of this act.

§ 5. That all male citizens living within the hereby extended limits of said city, who would be legally qualified voters now if living within the present city limits, shall be entitled to vote in all city elections occurring hereafter.

§ 6. This act to take effect from and after its passage.

Approved March 31, 1888.

CHAPTER 798.

AN ACT to amend an act, entitled "An act to incorporate the town of Dunnville, in Casey county," approved March 30, 1878.

WHEREAS, No election was held for the election of police judge, town marshal and trustees, for the town of Dunnville, on the first Saturday in January, 1888, as provided by the act incorporating said town; and whereas, there is, at this time, no acting officials for said town; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That William Turner, Bluford Rigney and Josh Grider be, and they are hereby, appointed trustees for the town of Dunnville, and will hold their

offices until the first Saturday in January, 1889, and until their successors are elected and duly qualified.

§ 2. And that Thomas Bell, Sr., be, and he is hereby, Police judge. appointed police judge for the town of Dunnville. He will hold his office until the first Saturday in January, 1889, and until his successor is elected and duly qualified. It shall be the duty of the Governor, immediately after the passage of this act, to issue to the judge herein named a commission as such.

§ 3. Edward Rigney is hereby appointed town mar- Town marshal. shal for said town of Dunnville. He will hold said office until the first Saturday in January, 1889, and until his successor is elected and duly qualified.

§ 4. Hereafter there shall be an election held on the Time of holding election. first Saturday in January in each year for the election of officers for said town ; and the trustees and marshal for said town shall hold their offices for the period of one year from the date of their election, and until their successors are elected and duly qualified. The police judge for said town shall hold his office for the period of two years from the date of his election, and until his successor is elected and duly qualified.

§ 5. And that section 16 of said act incorporating the town of Dunnville be, and the same is hereby, repealed.

§ 6. The board of trustees of the town of Dunn- Licenses. ville, or a majority of them, are hereby empowered to grant a license for the retail of spirituous, vinous and malt liquors within the corporate limits of said town, upon payment to the chairman of the board of trustees of said town whatever sum the said trustees may, in their discretion, fix, not to exceed, however, the sum of one hundred dollars ; said money to be held for the use and benefit of said town : *Provided, however,* Before granting a license to any person the said board of trustees shall require of the applicant to produce to them a certificate, signed by the clerk of the Casey county court, evidencing the fact that said applicant has paid to said clerk the sum of money required by

law to be paid by retailers of spirituous, vinous or malt liquors in this Commonwealth ; and said license, when so granted, shall authorize the person or persons to whom granted to sell spirituous, vinous or malt liquors within the corporate limits of said town.

§ 7. This act shall not be in force unless a majority of the qualified voters of said town of Dunnville approve the same ; the election to determine this fact shall be held on the third Saturday in April, 1888. The officers of this election shall be appointed by the judge of the county court of Casey county, and said election shall be held according to existing laws governing elections in this Commonwealth.

Submitting to a
vote.

§ 8. That in the event the voters of Casey county shall vote in favor of local option at any election when said question is hereafter submitted to them, then the town of Dunnville shall not, through its trustees, grant a license to any one to sell spirituous, vinous or malt liquors in said town after the expiration of all licenses granted prior to the date said local option law takes effect.

§ 9. All laws or parts of laws in conflict with this act are hereby repealed.

§ 10. This act to take effect from its passage.

Approved March 31, 1888.

CHAPTER 799.

AN ACT to amend the charter of the Louisville Abstract and Loan Association by changing its name to "Kentucky Title Company," and otherwise.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

That the charter of the Louisville Abstract and Loan Association, as contained in an act to incorporate the Louisville Abstract and Loan Association, approved March 20th, 1876, and in an act, entitled "An act to

amend an act, entitled 'An act to incorporate the Louisville Abstract and Loan Association,' approved April 7, 1886," be, and the same is hereby, amended in the following particulars, to wit:

§ 1. The name of said corporation is hereby changed to that of "Kentucky Title Company," under which name it shall have and exercise all the franchises, powers and rights now possessed by said Louisville Abstract and Loan Association.

§ 2. In addition to the powers conferred by the acts above mentioned, this corporation shall have the right to transact all business authorized by the acts above named in respect to real estate situate anywhere in the State of Kentucky, in the same manner and upon the same terms as said association is now permitted to transact such business in reference to lands in Jefferson county. This corporation shall likewise have power to undertake and contract for the making of maps of cities, towns and counties, or any part thereof, for individuals or corporations, private or municipal, upon such terms as may be agreed upon between the parties.

§ 3. The principal place of business of said corporation shall be in Louisville, Kentucky, but it may establish branch offices or agencies in other parts of the State. The board of directors may elect also a vice-president, and may appoint or employ such other officers, agents and employes as may be convenient in the transaction of the business of the corporation.

§ 4. This act shall take effect from its passage.

Approved March 31, 1888.

CHAPTER 801.

AN ACT to prohibit the sale or use of any spirituous, vinous, malt or intoxicating liquors, or any mixtures thereof, in the counties of Green and Taylor on election days.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall be unlawful for any person to sell, furnish, give or loan, to any other person or persons, on or during any town, county or State election day, any spirituous, vinous, malt, or intoxicating liquors of any kind, or any mixture thereof, in the counties of Green and Taylor.

§ 2. Any person violating the provisions of section 1 of this act shall be guilty of a misdemeanor for each offense, and, on conviction thereof, shall be fined the sum of fifty dollars, which may be recovered by indictment in the circuit court.

§ 3. This act shall take effect and be in force from and after its passage.

[Became a law without approval of Governor April 2, 1888.]

CHAPTER 802.

AN ACT to incorporate the Home and Savings Fund Company, of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Samuel L. Avery, Harvey S. Irwin, E. C. Bohne, K. W. Smith, John Ryan, Isaac N. Gray, Adolph G. Renau, John Sullivan, J. W. Jarboe, Herman Miller, T. W. Errington, James S. Ray and G. E. Bly, their future companions and successors, be, and they are hereby, constituted a body-politic and corporate, under the name and style of "The Home and Savings Fund Company," of Louisville, Ken-

tucky, with power to have, purchase and receive, Corporate power possess, enjoy and retain, sell, convey, or otherwise dispose of lands, tenements, goods, chattels, public and private securities; loan to members of this company the funds of said corporation upon mortgage on realty or other security; contract and be contracted with, sue and be sued, plead and be impleaded in any court in this Commonwealth; and to make and use a common seal, and the same to alter or renew at pleasure; also to ordain, establish, put into execution and amend, such by-laws as may be necessary and convenient for the government of this company, not contrary to the laws of this Commonwealth and the laws of the United States.

§ 2. The object of this company is to afford its Object. members an opportunity for a safe investment of their savings, to facilitate their acquiring homesteads, and the accumulation of a fund for the mutual benefit of the stockholders.

§ 3. The business of this company shall be trans- Directors acted by a board of thirteen directors, who shall be elected at the annual meetings of the company, to be held at such time and place, and in the manner provided by the by-laws.

§ 4. Should no election take place as provided for in section 3, then another day shall be appointed, and the members notified by publishing, for six consecutive days next preceding the election, a notice of the same in a public newspaper of this city.

§ 5. No person can hold office in this company who Who may hold office. is an officer in a similar institution.

§ 6. The directors shall elect a president, vice-presi- Officers. dent, treasurer and secretary, to serve for one year, or until their successors are duly elected and qualified. The president and vice-president must be members of the board of directors; the others can be either from that board or from the stockholders.

§ 7. The incorporators herein named shall consti- First board. tute the first board of directors, and shall hold their

offices until the first annual election to be provided for in the by-laws; and a majority of said board shall be a quorum for the dispatch of all business coming before it. The board of directors shall have a right to fill all vacancies in the Board.

Capital stock
Shares. § 8. The capital stock of this company shall consist of two million (\$2,000,000) dollars, divided into twenty thousand shares of one hundred dollars each to be paid for as shall be provided in the by-laws.

§ 9. This company shall be operated on the perpetual plan, and when any shares of stock shall attain the value of one hundred dollars, such shares must be withdrawn, and the holder be entitled to receive from the company said amount on each share. The members may withdraw from the company at any time, by giving such notice as may be required in the by-laws, and shall be entitled to the amount of weekly dues paid in by them, and such dividends as may have been credited thereon, and which remain unpaid under the rules of the company.

Number shares
each member
limited. § 10. No member shall own more than fifty (50) shares of stock in his own right. Women and infants may hold stock in this company and manage same in their own name.

Begin business. § 11. This company shall begin business immediately, and continue for twenty-five (25) years.

Stock transfer-
able. § 12. The stock of this company shall be transferable on the books of the company, in person or by attorney, in the presence of the secretary, and by the consent of the board of directors.

Loan funds. § 13. The funds of this company shall be loaned to its members only, and such loans shall be on such security, and in such manner, as the by-laws shall direct.

Division of profit § 14. The profits accruing to this company shall be divided semi-annually (after setting apart for the reserve fund such amount as the directors may consider proper), according to the average investment of each share-holder, such dividend payable in cash

to non-borrowing, and credited to account of borrowing share holders.

§ 15. The greatest indebtedness to which this company shall at any time subject itself shall be ten thousand (\$10,000) dollars. Indebtedness limited.

§ 16. The private property of members and stockholders of this company shall not be liable for corporate debts. Private property exempt.

§ 17. Married women and infants may subscribe for stock in this company in their own names, and manage and control same as single women and of full age. Any married woman or infant who shall become a member of this company shall be liable to all the duties and penalties of any other stockholder, and enjoy the same benefits and privileges; and any receipt or note executed by any such married woman or infant to this company in the course of its business shall be as valid and binding on such married woman or infant as if such person executing such receipt or note was unmarried or of full age; and such stockholders shall have the same right to borrow money from said company, and secure same by mortgage or otherwise, as any other stockholder in said company. Married women and infants may subscribe.

§ 18. This company having been carrying on business under a charter secured under the provisions of the General Statutes of this State, it is now hereby declared and provided that subscriptions heretofore made to said company shall continue and be as valid and binding as if made under this charter; and all acts and doings of said company, and contracts entered into before the granting of this charter, in pursuance of its objects, as set out herein, are hereby declared legal, and are to be held to be as binding and of same force as if entered into or done after the granting of this charter. Former incorporation confirmed.

§ 19. The business of this company being for the encouragement of working people, in saving up small sums and investing same in the building or securing of Stock exempt from taxation.

homes, the stock and investments of said company shall be exempt from all taxation, whether State, city, or county, excepting, however, from this exemption, all dividends earned and declared.

§ 20. This act shall take effect from its passage.

[Became a law without approval of Governor April 2, 1888.]

CHAPTER 803.

AN ACT for the benefit of the Boonesboro and Athens Turnpike, in Clark county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Boonesboro and Athens Turnpike, in Clark county, be, and it is hereby, authorized to collect full tolls, as now authorized at gates five miles apart on turnpike roads in this State, on the section of its road beginning at the bridge on Boone's creek, in Clark county, and ending at its intersection with the Kentucky River Turnpike.

§ 2. This act shall take effect and be in force from and after its passage.

[Became a law without approval of Governor April 2, 1888.]

CHAPTER 804.

AN ACT incorporating the Economy Club, of Louisville.

WHEREAS, A number of young men in the city of Louisville, believing that their future prosperity may be founded upon their accumulating a capital from small savings; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Jacob Schlegel, J. Geo. Miller, J. C. Haf-
 Corporators. flier, J. C. J. Zutt, Dan. Zutt, Jr., Louis T. Ernst, John

J. Vogel, Julius Muench, H. C. Korfhage, P. H. Kraus, Chas. H. Sauer, Henry Kiefer, Geo. P. Conrad, Henry W. Reitz and I. H. Butler, together with their associates and successors, be, and they are hereby, created a body politic and corporate, under the name and style of the Economy Club, of Louisville, Kentucky, and Corporate name. with perpetual succession and authority; by that Corporate power name are made capable in law to hold, purchase, receive and otherwise dispose of lands, tenements, rents, goods, chattels, choses in action, personal property, notes, stocks, bonds, public and private securities; to loan the funds of said association upon mortgage upon real or personal property, or upon note or notes with personal or real estate security; contract and be contracted with, sue and be sued, plead and be impleaded with; and to make and use a common seal, and to alter or renew the same at pleasure; also to ordain and establish by-laws for the government of said association, not contrary to the laws of the State or the United States: *Provided*, Said corporation shall not have power to hold or own any land except such as it may use for a place of business, or such as it may receive by way of security for or in payment of debt.

§ 2. Officers of said corporation shall consist of a Officers. president, vice-president, secretary and treasurer, to be elected by the board of directors; the latter officers of secretary and treasurer may be filled by the same person; said officers shall each execute to the Commonwealth a covenant, with good surety, for the honest and faithful discharge of their duties, upon which any person aggrieved by any infraction of his right by such officer or officers may maintain an action.

§ 3. The affairs of said association shall be man- Directors. aged by a board of fifteen (15) directors, and the incorporators herein shall constitute said board for the term of one year from the passage of this act, and until their successors are elected.

Vacancies filled. § 4. Should any vacancy or vacancies occur at any time in the board of directors, such vacancy or vacancies may be filled as to the unexpired term by the remaining members of said board, two-thirds ($\frac{2}{3}$) of whom shall constitute a quorum for said purpose.

Receive deposits and issue certificates. § 5. Said association may receive deposits in any sum not less than fifty (50) cents, and shall issue certificates of deposit thereof when said deposit shall amount to the sum of twenty-five dollars (\$25).

Certificates limited. § 6. Certificates of deposit shall not be issued in excess of one hundred thousand dollars (\$100,000).

Executive committee. § 7. The board of directors may elect from their number a committee, of which the president, vice-president, secretary and treasurer shall be members, which consist of not more than ten nor less than five directors, and be known as the executive committee; and they shall perform such duties as said board of directors may determine; and the said board may, at any time, fill any vacancy in said executive committee, and may declare such vacancies in said committee as they may choose.

Quorum.
By-laws. § 8. The board of directors, a majority of whom shall constitute a quorum, shall enact such by-laws, rules and regulations, as they may deem necessary for the government of the association; and they are authorized to deposit money belonging to the association in any good and solvent bank at the risk of the corporation.

Dividends. § 9. At the end of one year from the passage of this act, and at the end of every year thereafter, the officers of the association shall ascertain the certificates of deposits issued, and the executive committee shall, from time to time, declare such dividends on such certificates at the end of the year following said ascertainment as the affairs of the club will permit.

Certificates transferable. § 10. The certificates of deposit in said association shall be held by the person to whom same may be issued, their personal representatives or assigns, and

shall be transferable in writing on the books of the corporation.

§ 11. Said association may be dissolved at any time, May be dissolved. and go into liquidation upon a vote of two-thirds in amount of the holders of certificates; and after payment of debts, the entire estate of said association shall be divided between those entitled thereto, as their interests may appear.

§ 12. Private property of holders of certificates of deposit shall be exempt from corporate debts. Private property exempt.

§ 13. The depositors holding certificates shall once a year convene in general meeting, and shall elect the directors for the following year, and until their successors shall be elected and qualified, by taking an oath faithfully to discharge their duties as such.

§ 14. All depositors shall be considered merely as Depositors creditors of club. creditors of the club until they receive a certificate of their deposit in a sum not less than twenty-five dollars. Every such depositor may, on five days' notice, demand his deposit, and recover the amount thereof, if not paid on demand, by an appropriate action. All such depositors holding certificates of deposit shall be members of the club, and cast one vote in the general meeting for each, for each twenty-five dollars so deposited, for which a certificate has been issued. It shall be the duty of the officers of the club to issue certificates on demand to any depositor or depositors, whose deposit amounts to the sum of twenty-five dollars or more, which right may be enforced by any court of competent jurisdiction, upon proceedings under chapter 12 of title 10 of the Civil Code.

§ 15. This act shall take effect from its passage.

Approved March 31, 1888.

CHAPTER 805.

AN ACT to incorporate the Sandy Creek Farm District, in Hancock county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That David Davidson, Edwin Brashear, and Henry E. Haynes, be, and they are hereby, appointed trustees, and they and their successors in office are hereby created a body-politic and corporate, under the name of the Sandy Creek Farm District; and by that name are made as capable in law as natural persons to contract and be contracted with, to sue and be sued, to plead and be impleaded, in all courts of law and equity in this Commonwealth and elsewhere, and may do and perform any and all lawful acts necessary to carry out the objects for which the said corporation is organized.

§ 2. As soon after the passage of this act as convenient the said trustees shall meet and organize by electing a president and secretary, and may appoint such other officers, agents or commissioners as they may deem necessary.

§ 3. Said corporation shall have power to inclose with a good substantial fence, either of rails, boards, wire, or such other material as is calculated to obstruct and resist the encroachment of live stock, the lands situated within the following boundary, viz: That section or district of land lying in the county of Hancock, and bounded on one side by the Ohio river and otherwise, beginning on said river below the mouth of Indian creek, at H. E. Haynes' lower corner; thence with his lower line to Indian creek and the line of D. Davidson; thence with and near said creek and the back line of said Davidson's land to the Lewis mill road; thence with said road, on the west side thereof, to the land of E. Brashear; thence with his lines, so as to exclude his land, to the Big Cliff; thence

with the cliff, on the north side thereof, to the lands of D. Davidson; thence with the back lines of said Davidson to his upper corner, on the Ohio river; but it shall not be necessary to have a fence along the Ohio river, nor where the boundary runs along the Big Cliff, nor along Indian creek where the rock banks are sufficient to turn stock; the same, and the fences described in the first part of this section, being hereby declared lawful fences: *Provided*, That that part of said district included in said boundary, which has been heretofore incorporated and organized under a former act of the Legislature, shall not be included therein, so long as that corporation shall keep up its fences and gates.

§ 4. In making the said inclosure, said corporation shall follow the lines indicated, or as near thereto as may be practicable or agreed upon by the trustees; and where fences are already built along the lines of the proposed inclosure, and which may conveniently be made part thereof, they shall remain, and the owners thereof be credited with the value thereof (if they so notify the trustees) on any assessment or taxes levied for the purposes of this act, the value of which shall be ascertained by agreement with the parties or by arbitration.

Existing fences on line may be adopted and owners credited by.

§ 5. The said trustees shall have power to levy such taxes as may be sufficient to build the necessary fences and to repair them and keep them in repair, and to pay other expenses necessary to carry out the objects of the incorporation. Said taxes shall be in the proportion of the number of acres owned by each person respectively within the boundary; and the tax, when levied, shall constitute a lien on the lands assessed, and may be enforced by a court of competent jurisdiction.

Trustees levy taxes.

§ 6. The said trustees shall appoint a treasurer, who shall also be collector, and may require of him such bond and security as they may think proper; and when a tax or assessment shall be levied, he shall

Treasurer and collector.

demand payment of each tax-payer, in person or by written notice; and if the same be not paid within a time to be designated by the trustees in the ordinance levying the same, it shall be listed by him for collection with the sheriff of Hancock county, who shall have the same powers to levy and collect the same that is now given him by law in collecting the county levy. The treasurer shall pay out the taxes so collected by him, or paid over to him by the sheriff, as he shall be directed by the trustees; and on his failure so to do, the payee of any order from the trustees may recover the same by motion in the county court against the treasurer and his securities, with ten per centum damages.

Sheriff to collect taxes.

Treasurer pay out on order trustees.

Liability.

§ 7. It shall be lawful for the said trustees to erect and keep up good and sufficient gates and fences wherever the county roads are crossed in making said inclosure; and any person who shall willfully or negligently leave open, or willfully or recklessly injure, deface, break or destroy any of said gates, or any of the fences around said inclosure, or any sign-board, or notices posted thereon, shall be fined not less than five dollars nor more than fifty dollars.

Trustees may erect and maintain gates at crossing of public road.

Penalty for injury to gates.

§ 8. Any person living within the said inclosure, being the owner or having the custody, care or control of any live stock of any kind, who shall suffer or permit the same to run at large within or without said inclosure, outside of his own inclosure, or off his premises, unless under the care of some competent attendant or attendants, shall be fined not less than three dollars nor more than thirty dollars.

Live stock not to run at large within.

§ 9. It shall be unlawful for cattle or live stock of any kind to run at large within said inclosure; and for all depredations of cattle or live stock, of any description, therein, the occupants of land who may be damaged shall have all the rights, privileges and remedies prescribed by chapter 55 of the General Statutes; and in addition thereto, shall have the right to take up and confine any animal found depredating on any of

the lands within said inclosure, and to recover of the owner of such animals the damages sustained, and the costs and expense of keeping such animals, notwithstanding the premises or property so injured may not be inclosed by a lawful fence, as now required by law; and shall also have a lien on the stock so trespassing to satisfy any judgment he may recover; and he may have execution levied on said stock, and have the same sold in satisfaction thereof, notwithstanding it may be exempt from levy and execution under the general law. But nothing herein shall be construed as limiting the recovery to the value of such stock.

§ 10. Any person taking up any animal shall provide for it the necessary food and water, and shall give to the owner, if known, notice thereof within two days thereafter; and if said animal is not reclaimed by the owner within two days after said notice, and all damages and charges paid, or if the owner be unknown, the taker-up of such animal may procure from the county judge, or any justice of the peace in the county, on affidavits specifying the facts of the case, a warrant for the sale of such animal, which sale shall be for cash, and shall be made by the officer to whom such warrant is directed, after written advertisement of the time, place and terms of sale for five days preceding, unless such animal is sooner reclaimed, and all damages, costs and expenses paid. The proceeds of such sale shall be first applied to the payment of the costs, damages and expenses, and the balance, if any, shall be paid to the owner if known; or if not known, then to the trustee of the jury fund of Hancock county; and the owner of such animal may, at any time within two years after such sale, on motion in the Hancock circuit court, and upon proof of ownership, be allowed the amount paid into the jury fund, which shall be paid by the trustee thereof, after deducting the commissions allowed upon other moneys received and paid by him.

Provisions for
taking up stock.

§ 11. Any person who shall go upon the lands of

Shooting, hunting and fishing prohibited.

Other trespassing forbidden.

Penalty.

another, within said boundary, for the purpose of shooting, hunting or fishing thereon, or who shall ride, drive or tramp through the cultivated grounds, meadow, garden, yard or orchard of another, within said inclosure, or who shall go upon the land of another therein and gather or take any fruit, nuts, berries or other products of the land, whether cultivated or wild, without the consent of the owner or occupant of the land, shall be fined not less than five dollars nor more than fifty dollars, and shall be guilty of a trespass, and liable to the owner or occupant of such lands for exemplary damages not exceeding twenty-five dollars, besides all actual damages said owner or occupant may suffer by reason of such trespass; and any person found in the act of so trespassing may be arrested by any person without warrant, and delivered to any peace officer of the county to be dealt with; and the court trying the case may commit the offender to jail until the fine and all costs are paid or replevied.

Penalties recovered.

§ 12. Any of the penalties imposed by this act may be recovered by warrant in the name of the Commonwealth of Kentucky, before the county judge or any justice of the peace in Hancock county; and all fines imposed shall be paid by the officer collecting the same to the treasurer of the corporation, which shall be paid out and accounted for by him as provided in case of moneys derived from taxation.

§ 13. The trustees appointed by this act shall be and remain in office until their successors are elected and a majority accept the trust; and an election shall be held on the second Saturday in August, 1888, at Hawesville, and annually thereafter on that day, by the secretary of the board of trustees, for the purpose of electing three trustees; at which election all persons owning land within said boundary may vote, in person or by written proxy; and the three persons having the highest number of votes shall be declared elected. A majority of the trustees shall constitute a quorum

for organizing or for the transaction of any business, and shall have authority to fill vacancies in the board.

§ 14. The trustees may extend the boundary of the inclosure so as to include any land adjacent thereto, on the application of the owners thereof, as effectually as if included originally therein; and they shall become a part of said corporation, and subject to all the provisions and benefits of this act.

May extend.
boundary.

§ 15. This act shall be in force from and after its passage.

Approved March 31, 1888.

CHAPTER 806.

AN ACT for the benefit of J. Soule Smith, of Fayette county.

WHEREAS, On the thirtieth day of September, 1885, the Governor of Kentucky appointed J. Soule Smith, of Fayette county, to represent this Commonwealth as Commissioner to the North, Central and South American Exposition at New Orleans; and whereas, said J. Soule Smith did prepare for and place in said exposition an exhibit of Kentucky resources, and did, at the conclusion of said exposition, on March 31, 1886, return the same to this State, and to the owners thereof, and did, during the time of said exposition, represent this Commonwealth thereat, for which services and expenses said Smith has received no compensation whatever from the State; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the present Governor of this Commonwealth be hereby directed to investigate the facts of said employment, and the value of said services and expenses, and fix such sum as, in his judgment, will be a fair compensation and return therefor.

§ 2. That upon the written certificate of the Governor, fixing said amount, being presented to the Auditor, he shall draw his warrant on the Treasurer for the amount so named in favor of said J. Soule Smith, and the Treasurer shall pay the said sum to the person so named out of any moneys in his hands not otherwise appropriated.

§ 3. This act shall take effect from its passage.

Approved March 31, 1888.

CHAPTER 807.

AN ACT in relation to the public printing of the city of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That publications, notices and advertisements, which are or may be authorized or required to be published, inserted or advertised in any newspaper or newspapers in the city of Louisville or the county of Jefferson, by or under any general or special law or statute of the Commonwealth of Kentucky, or by or under the charter or any ordinance of the city of Louisville, are hereby authorized to be published, inserted, or advertised in any newspaper of the city of Louisville, and said publications, notices, and advertisements and publications to have same effect as if published in any newspaper now authorized by law.

§ 2. This act to have force and effect from day of passage.

Approved March 31, 1888.

CHAPTER 808.

AN ACT to incorporate the Richmond Street Railway Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby created and established a ^{Style.} body-politic and corporate, under the name and style of the Richmond Street Railway Company; and by that name shall have perpetual succession; may contract ^{Corporate powers.} and be contracted with, sue and be sued, plead and implead, answer and defend, in any and all courts and places as a natural person. Said company may also have and use a common seal, and may alter and change the same at will; and it shall have all other lawful powers usual and incidental to street railroad corporations in this Commonwealth, and which may be requisite and necessary for carrying out the objects and purpose for which it is created and established.

§ 2. That J. M. Poyntz, John Bennett, R. R. Bur- ^{Commissioners.} nam, W. G. White, Stephen D. Parrish, or such of them as may choose to act, are hereby constituted and appointed commissioners to open books and re- ^{Open books.} ceive subscriptions to the capital stock of said company, at such times and places and upon such terms and conditions as they may deem proper.

§ 3. The capital stock may be an amount not ex- ^{Capital stock.} ceeding one hundred thousand dollars, and the same shall be divided into shares of one hundred dollars each, and may be purchased, owned and controlled by companies, corporations or individuals.

§ 4. Whenever subscriptions of stock to the amount or value of five thousand dollars shall have been made to the capital stock of said company, the commissioners herein appointed shall give at least ten days' notice thereof, in one or more newspapers published in the city of Richmond, Kentucky, notifying the sub-

Directors.

scribers to assemble at some convenient place and time for the purpose of electing a board of directors for said company, which board of directors shall consist of five stockholders. Such of the stockholders as shall have paid ten dollars upon each share of stock subscribed by them shall be qualified and entitled to vote for said directors. No person shall be declared elected a member of the directory for said company unless he shall have received a majority of all the votes cast. Said directors shall hold their positions as a board of directors for one year, and until their successors are elected and qualified.

President.

Term.

§ 5. That the board of directors may elect the president from among their own number or from among the other qualified stockholders. Said board of directors shall be elected annually by the qualified voters of said company.

§ 6. That no person shall be elected to the office of president or director for said company who does not own at least five shares of the capital stock thereof.

§ 7. After the organization of said company by the election of a board of directors and president as heretofore provided, the management and control of the property and business affairs of the company shall pass and be committed to said president and directors and to their successors in office.

By-laws.

§ 8. The president and directors of said company may, from time to time, enact and put into force such by-laws, rules and regulations, for conducting, managing and governing its property and business affairs as they may deem proper, not inconsistent with this act or with the Constitution and laws of the United States and the Commonwealth of Kentucky, and alter, amend and repeal the same at will. They may prescribe therein the number of directors necessary to constitute a quorum for the transaction of business. They may also appoint an executive committee, to consist of the president and directors, three or more, and said committee may, when the board is not in session, ex-

Quorum.

Executive committee.

ercise all the powers and rights vested in the president and directors, except where it has been otherwise provided by law. Said board of directors shall have power to direct and regulate in what manner and by what evidence stock in said company may be transferred.

§ 9. That the president and directors of said Richmond Street Railway Company are hereby invested with all the powers, rights, franchises and authority requisite and necessary to construct a street railway, with double or single track, turn-outs and switches, from a point on or near the Kentucky Central Railroad depot, in Richmond, Kentucky; thence west on Main street to the city limits, and such other branches in Richmond as the president and directors may from time to time think proper and necessary for the convenience and accommodation of the public: *Provided, however,* That before any street of the said city of Richmond shall be run over, along or across, the consent of the council or board of trustees of said city shall first be obtained thereto.

§ 10. In the transportation of passengers, baggage and freight on their road, said corporation shall have all the rights and be subject to all the legal duties and responsibilities of common carriers, and the same authority as such carriers in the collection of fares and enforcement of order in their cars; but shall not be liable for any baggage carried on said roads kept in and under the care of its owner, his servant or his agent.

§ 11. The said corporation may borrow money to an amount not exceeding one-third of its capital stock, and issue bonds in sums of one hundred, five hundred and one thousand dollars each, and may pledge and mortgage the property of said corporation, and its rights and franchises, to secure the same.

§ 12. The cars to be used upon said railways shall be operated by animals, electricity or other power, except steam, and the streets on and along which said

Rights, franchises, &c.

Rights and liabilities common carriers.

Borrow money.

Mortgage.

Cars operated by electricity and animals.

corporation shall construct its tracks shall be kept in good repair between the rails during such use by said corporation, under such regulations as the mayor and the board of councilmen of said city shall prescribe.

§ 13. The corporators shall organize within two years from the passage of this act, and shall finish the construction of its railways within five years thereafter.

Organize within
two years.

§ 14. In the condemnation of lands, private or public, by said corporation for its way or road-bed, and switches, turn-tables and branches, it shall be subject to the same provisions, limitations and restrictions now prescribed by law.

Condemnation of
lands.

§ 15. This act shall take effect from and after its passage.

Approved March 31, 1888.

CHAPTER 809.

AN ACT to regulate the fiscal affairs of Hardin county, and provide for the cash payment of all claims against said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the court of claims and levy of said county shall, at any meeting after the passage of this act, appropriate, in the hands of the treasurer of said county, so much money as may be necessary to pay the county claims allowed by it and said meeting; and the county treasurer, on the order of said court, shall pay the same upon presentation of said order, duly certified by the county clerk of said county, at any time within ten days after the adjournment of said court.

§ 2. Said court shall, at each term, direct the levy and collection of county levy and ad valorem tax, sufficient to return into the hands of said treasurer the amount he is directed to pay at said term, including

costs of collection and disbursement; but nothing herein shall be construed to increase the amount of county levy or ad valorem tax as now fixed by law.

§ 3. It shall be the duty of the sheriff or collector of said county to pay all county levy and ad valorem taxes at the same time and in the same manner as now required by law; but he shall pay the same to the treasurer of said county; and for failure to so pay the same, said treasurer shall have the same remedy against him as is provided in favor of county creditors by section 7, article 2, chapter 27, of the General Statutes.

§ 4. Said treasurer shall pay no claim until he has knowledge of the fact that the person to whom said claim was granted owes no part due, taxes or county levy; and the amount of any such taxes or county levy shall be deducted from said claims and paid by the treasurer to the party holding said tax receipts: *Provided*, Said claim is as large or larger than said taxes; the word taxes herein also includes the taxes due the State. No assignment of any claim shall prejudice the right of the treasurer to retain the taxes owing by the party to whom the claim was allowed, and if the amount of said claim is more than sufficient to pay off said taxes, and the assignee owes taxes, they may in like manner be retained and paid by said treasurer.

§ 5. It shall be the duty of the sheriff of said county, and of all other persons holding tax receipts, to furnish the said treasurer with a list of all persons owing taxes, to whom county claims have been allowed, within three days after the adjournment of said court of claims; and any such sheriff, or other persons, failing so to do, may, on indictment, be fined in the sum of not less than twenty-five dollars nor more than one hundred dollars.

§ 6. Before acting under this law said county treasurer shall execute, before the county judge of said county, his bond, with at least three good sureties

to his bond, to be approved by said county judge, which bond shall be in substance as follows, viz:

HARDIN COUNTY COURT.

We, John Smith, treasurer of Hardin county, and A. B., C. D., and E. F., his sureties, bind and obligate ourselves to the Commonwealth of Kentucky that said treasurer will well and truly discharge his duties as such treasurer as required by law, and that he will account for and pay over to the person entitled to receive the same according to law all sums to which they may be entitled. Witness our signatures, the——day of——, 1888.

Said bond may be sued upon in the name of the Commonwealth for the use and at the cost of any person aggrieved by a violation of the same. Said bond shall be filed in the office of the clerk of the Hardin county court, and a minute of the execution approved and filing of said bond shall be made upon the book of said court, and said bond shall be duly recorded in said office.

§ 7. The execution of said bond provided for herein shall in no way affect the bond of said treasurer executed pursuant to an act of the General Assembly of Kentucky, approved March 15th, 1886, entitled "An act for the benefit of Hardin county, and to dispose of a surplus fund in the hands of the commissioner of the sinking fund of said county."

§ 8. The bond required herein shall be executed at least once in every five years, and as much oftener as the county judge may direct, by an order of record in the county court. Nothing in this act shall be construed to conflict with any thing in the act referred to in section seven hereof.

§ 9. This act shall take effect and be in force on December 1st, 1888.

Approved March 31, 1888.

CHAPTER 811.

AN ACT to charter Evansville Bridge Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Charles Viele, Wm. Heilman, Jos. A. Names of incor-
 Reitz, John Ingle, James L. Orr, J. I. Landes, Chas. porators.
 A. Thompson, S. S. Brown, Harry Brown, Arthur
 Cary, John E. Green, Jordan Giles, James Montgom-
 ery, James F. Clay, S. H. Lambert, R. H. Ingram,
 P. G. Kelsey, and their associates, successors or as-
 signs, are hereby constituted and declared a body-cor-
 porate, under the name and style of the Evansville
 Bridge Company, and by that name and style they
 are hereby invested with all the powers incident to
 corporations.

§ 2. That said company be, and it is hereby, in- Character of
 vested with all the rights, powers and privileges nec- business.
 essary for the construction of, and it shall be and it
 is hereby authorized and empowered to construct, a
 bridge across the Ohio river, extending from some
 convenient point within either of the counties of
 Henderson or Union, to some convenient point on the
 Indiana side of said river; and also to purchase or
 condemn, by writ of *ad quod damnum*, and hold as
 much real estate as may be necessary for the site
 of said bridge, and the sites for the piers, abutments,
 toll-houses and suitable avenues leading to the same,
 and such other lands as may be necessary in connec-
 tion with the construction and operation of said
 bridge: *Provided*, That said bridge shall be con-
 structed so as not to obstruct navigation further than
 the laws of the United States shall allow: *And pro-*
vided further, That any bridge constructed and main-
 tained under the provisions of this act shall be a
 public highway, and subject to use by all persons and
 corporations electing to use the same for any purpose
 or purposes to which the same is adapted, subject to

and the several turnpike road companies, portions of whose roads may be now or hereafter, by reason of the extension of any one or more of the boundary lines of said city, within the corporate limits of said city, the said road companies acting through their respective board of directors, agree upon terms and conditions upon which such portions of any such roads so within said city may be surrendered to said city, and said city acquire jurisdiction thereof, and improve or in any way change said portions of said roads so as to make parts of streets thereof, and to the end also that said city may have power to make and keep up, or require lot-owners whose property abut on such portions of such roads to make and keep, sidewalks along said portions of such roads within said city limits.

§ 2. Upon such transfer being made, said city may exercise all the power and authority over and along such portions of said roads, through its corporate authority, as it now or may hereafter have over and with respect to the streets and other thoroughfares of said city.

§ 3. This act shall take effect from and after its passage.

Approved March 31, 1888.

CHAPTER 813.

AN ACT to incorporate the "Kittle Creek Turnpike Company," in Warren county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Incorporation
and style of com-
pany.

§ 1. That there is hereby incorporated a turnpike company, by the name of the "Kittle Creek Turnpike Company," for the purpose of constructing a turnpike from the Russellville road, near the Knob Church, in Warren county, to the Logan county line, on the road from said Knob Church to Procter's mill, cross-

ing the Clear Fork of Gasper at the new bridge near the old Duncan place.

§ 2. The capital stock shall be sufficient, at par Capital stock. value, to complete said road, and shall be divided into shares of fifty dollars each. J. D. Duncan, Frank Commissioners. Dial, Virgil Stone, and James Young are hereby appointed commissioners to open books for subscriptions to the capital stock of said company, and shall act as directors until their successors are elected and qualified.

§ 3. The president and directors shall have power Treasurer. to appoint a treasurer, and to take bond for the faithful discharge of his duties, and to appoint a secretary. The president shall be elected by the board of directors from among their number, which shall consist of five of the stockholders, to be elected the first Saturday in May of each year.

§ 4. For the purpose of building said turnpike road, General powers. and operating same and keeping it in repair, the said company shall have and exercise all the powers conferred by the General Statutes upon turnpike companies.

§ 5. This act shall take effect from and after its passage.

Approved March 31, 1888.

CHAPTER 815.

AN ACT to empower the county court of Harrison county to borrow the H. C. Moore School Fund.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Harrison county court, a majority of the justices concurring, shall have power and authority to borrow the fund known as the "H. C. Moore School Fund;" and they shall execute bond for said sum to the trustee of said fund and his successors in office, due and payable not less than

ten nor more than twenty years from the date of said loan, bearing interest from date at a rate of not less than six nor more than eight per centum per annum, interest payable semi-annually on the first day of March and September of each year.

§ 2. That it shall be the duty of the Harrison county court to levy an annual tax sufficient to pay the interest upon said fund, which tax shall be collected by the sheriff of the county in the same way and under the same responsibilities which now apply by law to the collection of revenue of the State, which sum shall be paid over to the trustee of said fund on the first day of March and September in each year.

§ 3. That at the expiration of the loan mentioned herein, the county court shall have power to levy a tax sufficient to pay the principal of said loan. Said tax shall be collected by the sheriff in the same way and under the same responsibilities as described in section 2 of this act.

§ 4. That in the event the county court refuses to borrow said fund upon the terms prescribed in section 1 of this act, the trustee of said fund shall have the power to loan said fund upon the terms prescribed in section 1 of this act for any length of time not exceeding three years, upon such security as he shall deem sufficient, being responsible for said fund on his official bond.

§ 5. This act shall take effect from and after its passage.

Approved April 3, 1888.

CHAPTER 817.

AN ACT to incorporate the Independent Order of Wise Men.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Willis R. Freeman, Daniel Spears, Wm. Smith, W. H. Spears, Allen Bailey, George Watson, Names of incorporators and corporate powers. their associates and successors, be, and they are hereby, created a body-politic, to be known by the name of "The Independent Order of Wise Men," and by such name shall have perpetual succession, and be capable in law of contracting, suing and being sued, pleading and being impleaded, and of purchasing, leasing, holding, granting and of receiving, in its corporate name, real, personal and mixed property, and of organizing a supreme and subordinate lodges, and receiving members, under such regulations and laws as the corporation may enact, not in conflict with the laws of Kentucky or the United States.

§ 2. The objects of this corporation shall be to unite Objects of incorporation. all men fraternally; to give all possible moral and material aid to its members by holding instructive lectures, and by encouraging each other in business, and in procuring employment; to establish a circulating library for the use of members; to establish a benefit fund, from which a sum to be named by said corporation shall be paid to the family of a deceased member, or as he may direct; to establish a fund for the relief of sick and distressed members, and to ameliorate, in a substantial way, the asperities of life, and inspire nobler aspirations.

§ 3. The supreme lodge shall have a common seal, Common seal. which it may change at pleasure; or, if it have none, the signatures of duly authorized officers shall be legal and binding.

§ 4. The private property of members shall be exempt from corporate debts, and corporate property Exemption of private property. from private debts. It shall have power to hold and

disburse the funds named in section two, under such rules and regulations as it shall adopt, and said funds shall be exempt from the laws, rules and regulations governing the Insurance Bureau of this State; to make its own by-laws and constitution, and general laws for the government of the entire order.

§ 5. The office of the supreme lodge shall be located at Paris, Kentucky.

§ 6. This act shall take effect from and after its passage.

[Became a law without approval of Governor April 4, 1888.]

CHAPTER 819.

AN ACT to prohibit the sale of spirituous, vinous and malt liquors, and mixtures of same, and all bitters and nostrums which intoxicate, in Wayne county, Kentucky, and to provide for a vote of the legal voters of said county thereon.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall be the duty of the judge of the county court of Wayne county, Kentucky, upon a written petition, signed by at least twenty of the legal voters in Wayne county, to make an order on his order-book, on the first day of the next regular term of his court after he receives said petition, directing the sheriff, or other officer whose duty it may be to hold the election, to open a poll in each voting precinct in said county, on the day designated in said petition, it not being a day for any State or county election, for the purpose of taking the sense of the legal voters in said county upon the proposition whether or not spirituous, vinous or malt liquors and mixtures of same, and all bitters and nostrums which intoxicate.

Question submitted on petition of 20 voters.
Sheriff open poll.
State or county election.
Proposition.

§ 2. It shall be the duty of the county court clerk to give to the sheriff, or other officer whose duty it shall be to hold the election mentioned in section

1 of this act, a certified copy of the order of the judge of the county court, as it appears on the order-book, within ten days after said order is made.

§ 3. It shall be the duty of the sheriff, or other officers whose duty it may be to hold the election mentioned in section 1 of this act, to have the order of the judge of the county court to advertise the same by printed handbills, posted at ten conspicuous places in said county, for at least twenty days before the election. The sheriff, or other officer whose duty it shall be to hold the election mentioned in section 1, shall have the notices, herein provided for, posted as above provided for within ten days after he receives the order of the county judge, and twenty days before the election.

Sheriff or other officer to have order published by handbills.

Order to be posted up.

§ 4. It shall be the duty of the sheriff, or other officer whose duty it may be to hold the election mentioned in section 1 of this act, to open a poll, and the election officers shall propound to each voter who may vote the question: "Are you in favor of the sale of spirituous, vinous or malt liquors, and all bitters and nostrums which intoxicate, in this county?" and his vote shall be entered for or against it, as he directs. The poll shall be returned, examined and compared by the same officers as the other polls in State or county election.

Open poll.

Question propounded to voter.

Polls returned and examined.

§ 5. If it shall be found that a majority of the legal votes cast at the election before provided for were given against the sale of spirituous, vinous or malt liquors, and all nostrums which intoxicate, it shall be the duty of the examining board to certify that fact, which certificate shall be delivered to the clerk of the county court, and by him safely kept until the next regular term of the county court, at which term the judge thereof shall have the same spread on the order-book of his court, and said entry of the certificate in the order-book, or a certified copy thereof, shall be *prima facie* evidence in all proceedings under this act.

If majority vote against sale fact to be certified by examining board to county judge.

Certificate spread on order book. ¶

Certificate prima facie evidence. ¶

§ 6. After the entry of the certificate of the examining board, as above provided for in the order-book of the county court, it shall be unlawful for any person to sell any spirituous, vinous or malt liquors or intoxicants in said county to any person except as hereinafter provided for ; and any person who sells any such liquors in said county shall, upon conviction, be fined the sum of one hundred dollars for each offense.

After entry certificate no more intoxicants to be sold.

§ 7. The provisions of this act shall not apply to any manufacturer or wholesale dealer who, in the usual course of trade, sells by the wholesale, and in quantities not less than ten gallons at any one time ; nor to druggists who sell for sacramental purposes or for medicinal purposes, on a prescription made and signed by a regular resident practicing physician : *Provided*, That said druggist has first complied with the provisions set forth in section ten of this act ; but no physician shall make or sign any such prescription except the person for whom it is made is actually sick, and such liquor is absolutely required as a medicine ; and any physician who makes or signs any prescription for such liquors, except as provided in this act, shall be guilty of a violation of this act, and, on conviction, be fined the sum of one hundred dollars for such offense.

Provisions not apply to manufacturer or wholesale dealer.

Sacramental or medicinal.

Penalty for physician issuing prescription unlawfully.

§ 8. The election herein provided for shall not be held oftener than every three years, and the officers to conduct an election held under this act shall be appointed by the county court, and divided, as near as may be, at each voting place between those for and those against the sale of the liquors, etc., aforesaid ; and said officers shall be governed by the laws of the Commonwealth regulating the mode and manner of holding and conducting elections for Governor and other officers.

Election not held oftener than every 3 years.

§ 9. The county judge shall not make the order for the election until the persons signing the petition have deposited with him, in money, an amount sufficient to pay for posting advertisements as provided for, and

Money to pay expenses of election to be deposited.

the fees of the clerk for making entries on the order-book, and other legal fees.

§ 10. Before any druggist shall be allowed to sell any spirituous, vinous or malt liquors upon the prescription of a regular resident practicing physician, as provided for in section 7, he shall execute a bond to the Commonwealth of Kentucky, in the county court, in the sum of five hundred dollars, with good security, residing in said county, conditioned that the druggist will comply with the provisions of this act; and any druggist who shall sell such spirituous, vinous or malt liquors without first having executed said bond, or without having received the prescription from such physician, shall be fined for each offense one hundred dollars.

Druggist execute bond.

§ 11. It shall be the duty of every druggist who sells the liquors aforesaid under this act to keep each prescription for said liquors, or either of them, in a book separate, and the name of the person for whom said prescription was made, and apart from all other prescriptions, and that he shall keep said book in a public place in his store, open for public inspection, and subject to the call of the grand jury or court having jurisdiction to try any offense under this act; and upon the failure of said druggist to keep such book as aforesaid, he shall be fined for each offense in the sum of one hundred dollars; and any person who shall remove, mutilate, deface, or otherwise injure any prescription filed in said book, shall be fined the sum of one hundred dollars for each offense.

Druggist preserve prescriptions.

§ 12. If it shall be found that a majority of the legal votes cast at said election are in favor of the sale of spirituous, vinous or malt liquors, or other intoxicating drinks, in said county, then, in that event, it shall not be lawful to sell any such liquors in said county, if the law known as the local option law has hitherto been voted, and is at the time of this election in force or prohibited by a special act of the

Local option-law not repealed where in force.

Legislature; but such law shall remain and be in full force in said districts just as if no vote under this act had been voted.

County judge
make public
proclamation.

§ 13. If a majority of the votes cast be against the sale of said liquors in said county, the judge of the county court of said county shall, by public proclamation, published either in the county paper or by printed handbills posted at five or more public places in said county, announce that the said sale is prohibited in said county, and when this act shall or will go into effect in said county, which shall take effect within thirty days after said election.

Fines and for-
feitures.

§ 14. All fines and forfeitures recoverable under this act shall be recovered in any court having competent jurisdiction; and it shall be the duty of the judge of the circuit court to give this act in charge to the grand jury at each term of the circuit court in said county.

§ 15. This act shall take effect from and after its passage.

[Became a law without approval of Governor April 4, 1888.]

CHAPTER 820.

AN ACT to repeal an act, entitled "An act to prevent cattle, or stock of any kind, from running at large upon the Maysville and Lexington Turnpike Road, in Nicholas and Mason counties," so far as the same applies to Mason county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of the act, entitled "An act to prevent cattle, or stock of any kind, from running at large upon the Maysville and Lexington Turnpike Road, in Nicholas and Mason counties," approved April 25, 1884, be, and the same is hereby, repealed, so far as the said act applies to that part of the road lying in the county of Mason.

§ 2. This act shall take effect from its passage.

[Became a law without approval of Governor April 4, 1888.]

CHAPTER 821.

AN ACT to incorporate the Ekron Gas and Manufacturing Company, of Meade county.

WHEREAS, The Ekron Gas and Manufacturing Company was, on the — day of —, 1887, duly organized under the provisions of chapter 56 of the General Statutes. The object of the formation of said corporation or company being, as stated in the articles of incorporation thereof, to develop, produce, utilize, convey, or any way dispose of natural gas, petroleum, salt water, building stone, etc., etc.; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Z. T. Herndon, A. J. Thompson, Gus. W. Richardson and C. L. Cornwall, their successors and assigns, be, and they are hereby, created a body-corporate, under the name of the "Ekron Gas and Manufacturing Company," and by that name shall have perpetual succession, and the power to contract and be contracted with, to sue and be sued, implead and be impleaded; to take, hold, own, and in anywise alien property, real, personal and mixed; to have a common seal, and alter the same at pleasure; and to establish by-laws and make rules and regulations for the management of the affairs of said company, not inconsistent with the Constitution or laws of this State or of the United States.

§ 2. The affairs of said corporation shall be conducted by a board of directors of not less than five nor more than nine directors, who shall be elected for a term of one year, and until their successors are chosen. At a meeting of the stockholders of said corporation, to be held in the town of Brandenburg or the city of Louisville, as the directors from time to time may agree, on the — in — of each year, said directors shall elect a president and vice-presi-

dent, who shall be, and a secretary and treasurer who may be, members of said board. The meetings of said board shall be called by the president, or, in case of his absence, inability or refusal to act, by the vice-president, or in case of his absence, inability or refusal to act, by a written call of not less than one-half of the directors. The powers, duties and compensation of the president and other officers of the company shall be prescribed by the board of directors. The directors, the incorporators named herein, shall constitute the board of directors until the first annual election provided for herein. In all meetings of the stockholders they shall be entitled to one vote for each share of stock held by them. They may vote in person or by proxy, written and subscribed by them. Of all meetings of the stockholders five days' previous notice shall be given by the secretary of said company.

§ 3. The capital stock of said company shall be one million dollars, divided into shares of one hundred dollars each, which shall be deemed personal property, and subscribed for and paid in at the times and upon the terms, and transferable in the manner to be prescribed in the by-laws of said company. The stockholders of said company may, by a two-thirds vote of all the stock, at a meeting called for that purpose, increase said stock not exceeding one million dollars.

§ 4. Said company is hereby empowered to develop, produce, utilize, convey, or in any otherwise dispose of natural gas, petroleum, salt water, building stone, lithographic stone and potter's clay, or any of them, which may be upon or come from any of the lands which said company may own, lease, acquire or control, or upon which, for any of said purposes, or to do any of the acts in this section mentioned, it may have or acquire the right, and to these ends said company is empowered to drill, bore, or in anywise sink and maintain wells for the purpose of producing such

natural gas, petroleum and salt water, or either, and construct, lay, maintain and operate derricks, buildings, machinery, tanks, pipes, reservoirs, receivers, gasometers, warehouses, manufactories, and any other improvements or appliances in or by means of which such gas, petroleum or salt water, or either, may be produced, stored, distributed, sold or utilized; and to construct, lay and operate conduit pipes of any kind, and may employ any other suitable means for the conveyance, distribution, storing, sale and utilization of the products of said company, either upon, under, to or from any of said lands or other places.

§ 5. With the consent of any city or town, by ordinance resolution of its general council or its board of trustees, said company shall have power to open the ground in any street, alley, park, lane or other public place within its limits, and lay therein, remove, alter, maintain and repair such pipes for so conducting and distributing, for purpose of heating and illumination, said natural gas, restoring such ground, however, and any pavement or other improvement thereon, to as good condition as before, within a reasonable time thereafter; and in doing the acts mentioned in this section said company shall cause no injury to any gas or water pipe, or connection or sewer, laid within the ground.

§ 6. This company shall have power to consolidate with other company or companies engaged in the development of natural gas in Meade county, Kentucky, and the territory contiguous thereto, on such terms as may be agreed on, and in order to the conveyance of such natural gas to any of the cities and towns, and all of the manufactories within this Commonwealth; and said company shall have power to acquire, by purchase, gift or condemnation, as hereinafter provided, the use of any land along such route or routes as may be selected by the directors of said company; to lay, maintain, and repair such pipes and any buildings, retorts, and any other apparatus needed to be

used in order to the proper and economical conveyance of gas as aforesaid ; and in order to such acquisition, by such *ad quod damnum* proceedings of such use of land, said company shall cause such use of, in, over and under only so much land as it may fairly deem necessary therefor, to be valued, condemned, and by it paid for in the manner prescribed by an act, entitled "An act to prescribe the mode of condemning lands for the use of railroads and turnpike companies," approved April 11, 1882.

§ 7. The principal place of business of this corporation shall be in the town of Brandenburg or the city of Louisville, as the directors from time to time may agree.

§ 8. The private property of its stockholders and officers shall be exempt from its corporate debts and liabilities.

§ 9. This act shall take effect from and after its passage.

[Became a law without approval of Governor April 4, 1888.]

CHAPTER 822.

AN ACT to amend an act establishing a new charter for the city of Louisville, approved March 3d, 1870, relating to the remuneration of the clerk and marshal of the city court of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That hereafter the clerk of the city court of Louisville shall receive no fees whatsoever in cases tried in said court or for the taking of a bond, whether said bond be taken in said officer's office or out of the same, by himself or deputy ; but in lieu of all fees and salaries now by law allowed to said officer, he shall receive from the city of Louisville a salary of three thousand five hundred dollars for his own services, and the sum of three thousand dollars shall be paid

by the city of Louisville, in equal proportions, to such deputies as said officer may appoint. The marshal of the city court of Louisville shall not receive any fees in any action or proceeding had in said court; but in lieu of all fees or salaries now by law allowed said officer, he shall receive from the city of Louisville a salary of three thousand five hundred dollars for his own services; and the sum of three thousand dollars for the payment of such deputies as said officer may appoint shall be paid by the city of Louisville, in equal proportion, to such deputies.

§ 2. That in every case tried in said court, upon conviction, the defendant shall pay as costs the sum of two dollars, which sum shall be collected by the marshal and be paid, together with all fines and fees collected by him, into the treasury of the city of Louisville.

§ 3. It shall be the duty of the clerk of the Louisville city court to pay into the city treasury all fees collected by him for taking bonds, and the charge for taking same shall be seventy-five cents; and under no circumstances is he allowed to charge for such service more than seventy-five cents.

§ 4. All acts or parts of acts in conflict with any of the provisions of this act are hereby repealed.

§ 5. This act shall take effect from and after its passage.

[Became a law without approval of Governor April 4, 1888.]

CHAPTER 823.

AN ACT to close Fifth street, between Main and Clay streets, in the city of Dayton, Campbell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all that portion of Fifth street, between Main and Clay streets in the city of Dayton, Campbell

county, be, and the same is hereby, declared closed as a public street or highway.

§ 2. This act shall take effect and be in force from and after its passage.

[Became a law without approval of Governor April 4, 1888.]

CHAPTER 824.

AN ACT to repeal an act, entitled "An act to incorporate the Economic Heating Company," approved March 17, 1886, and also to repeal an act, entitled "An act to amend an act to incorporate the Economic Heating Company," approved April 22, 1886.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to incorporate the Economic Heating Company," approved March 17, 1886, be, and the same is hereby, repealed.

§ 2. That an act, entitled "An act to amend an act to incorporate the Economic Heating Company," approved April 22, 1886, be, and the same is hereby, repealed.

§ 3. This act shall be in force from and after its passage.

[Became a law without approval of Governor April 5, 1888.]

CHAPTER 825.

AN ACT to legalize orders made by the Lawrence county court, and to authorize said court to open as a public highway to Pine Hill cemetery, in said county.

WHEREAS, It has been made known to the General Assembly that the county court of Lawrence county made such orders as was necessary to open a public road from the county road in said county to Pine Hill cemetery; and whereas, it appears that said county court had no legal authority to do so; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That all orders made by the Lawrence county court in opening a public road to Pine Hill cemetery, in said county, be, and the same is hereby, legalized and made as valid as if made by authority of law.

§ 2. That the said county court be, and it is hereby, authorized to make all orders necessary to complete said road and make it a part of the public highway of said county, and to assign hands to keep the same up and in good as now provided by law now in force in said county.

• § 3. That this act take effect and be in force from its passage.

[Became a law without approval of Governor April 5, 1888.]

CHAPTER 826.

AN ACT to amend an act, entitled "An act to incorporate the Elkton and Guthrie Railroad Company and amendments thereto."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to incorporate the Elkton and Guthrie Railroad Company," approved February 10, 1871, and the amendments thereto, be amended as follows: "That through passengers on said railroad company, who fail to purchase tickets from the ticket offices of said company, shall be required to pay six cents per mile over the line of said railway.

§ 2. This act shall be in force from its passage.

[Became a law without approval of Governor April 5, 1888.]

CHAPTER 827.

AN ACT to amend the charter of the German Protestant Orphan Asylum Company of the city of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to incorporate the German Protestant Orphan Asylum Company," approved January 9, 1852, be, and the same is hereby, amended as follows: It shall be lawful for said company, without an express contract therefor, to charge, sue and recover, against any person now in or hereafter committed to the charge, care or custody of said company, for necessities rendered or furnished at such person's request, a reasonable compensation for board, lodging, clothing and tuition, or either of such person, hereinafter furnished by the company, where such person shall have or acquire estate otherwise than by his or her labor or skill. But suit shall not be brought therefor after six months have elapsed from the time such person attained his or her majority.

§ 2. Said company may take conveyance, receive, have, hold, sell and convey any real estate hereafter or heretofore conveyed, sold, delivered, given to or in any other manner acquired by said company.

§ 3. This act shall take effect from its passage.

[Became a law without approval of Governor April 5, 1888.]

CHAPTER 828.

AN ACT to amend the charter of town of Parkland, Jefferson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. The boundaries of the town of Parkland shall be as follows, until the same shall be changed by law,

Boundary.

to wit: Commencing at a point where the present western limits of the city of Louisville intersects the southern line of Broadway street; thence running west to a point two hundred feet east of the centre line of Thirtieth street; thence at right-angles south, to a point of intersection with the present limits of the town of Parkland, two hundred feet north of Garland avenue; thence west, on a line with the present northern limits of Parkland, to the Ohio river; the western boundary shall be the Ohio river, the southern boundary Gibson's lane and the Cane Run Turnpike, and the eastern limits shall be the present western limits of the city of Louisville south of Broadway, excepting the grounds and improvements known as Coney Island, or Riverside Park.

§ 2. That an act, entitled "An act to amend an act Act repealed. to charter the town of Parkland," approved April 29th, 1880, and section 3 of an act, entitled "An act to amend the charter of Parkland, Jefferson county, Kentucky," approved April 19th 1882, and section 9 of an act, entitled "An act to amend the charter of the town of Parkland," approved March 10, 1876, be, and the same are hereby, repealed.

§ 3. The board of trustees of the town of Parkland Board trustees levy and collect taxes. shall cause to be levied and collected a general annual tax upon all property in said town liable for taxation for State purposes, in a sum not to exceed fifty cents upon each one hundred dollars of such property. But Town divided. for the purpose of levying and collecting said general tax said town shall be divided into two tax districts, as follows: All that part of said town lying east of First district. Thirty-eighth street shall be known as the first general tax district; all that part lying west of Thirty-eighth Second district. street shall be known as the second general tax district. The money collected as such general tax from Moneys of each district kept separate. each of said districts shall be kept as a separate fund, and spent only for the benefit and improvement of the respective district from which collected, after deducting necessary general expenses; and in the elec-

tion of trustees for said town each of said districts shall be represented by at least one trustee.

Establishing
school.

§ 4. That for the purpose of building a school-house and establishing a school for the use and benefit of said town, and for the purpose of grading, making and repairing streets, sidewalks and alleys in said town of Parkland, said board of trustees may contract debts and liabilities on behalf of said town beyond the amount of the revenues of the current fiscal year, and payable within or beyond such year: *Provided*, That the resolution or ordinance wherein any such contract shall be made or authorized shall be published at least two times in two Louisville daily newspapers; and shall, in not less than ten nor more than thirty days after the first date of such publication, at a general election held in said town for officers thereof, or on a special day to be designated by the board of trustees, be approved by a majority of the vote cast for and against it by the qualified voters of said town: *Provided*, That the aggregate vote for and against the same is not less than one-fourth of the aggregate vote at the last preceding election for town or State purposes within said corporate limits: *Provided also*, That provision shall be made in said resolution or ordinance to levy and collect an annual tax upon such real estate within said town as may be designated by said board of trustees, sufficient to pay the interest of such debt or liability as the same shall become due, and to discharge the principal thereof at maturity; and full power and authority is hereby conferred upon said board of trustees to levy and collect said annual tax to meet such interest and principal as same shall respectively mature.

Contract submit-
ted to vote.

§ 5. The board of trustees of said town shall have the right to purchase, hold and sell any real or personal estate within or without the limits of said town, and to borrow money and issue negotiable paper for the same, but only for appropriate municipal ob-

Hold real estate.

jects; but in the purchase and sale of real estate, and in all acts or contracts for raising money, or involving any expenditure thereof, a concurrence upon two different days of a majority of all members of said board of trustees shall be required.

§ 6. Whenever, in the opinion of the board of trustees, property shall be needed for town purposes, either within the boundaries of said town or the county of Jefferson, said board of trustees may, by ordinance or resolution, order the condemnation of such property. The proceedings for that purpose shall be instituted either in the Jefferson county court of common pleas, the Louisville law and equity court, or the Louisville chancery court, and shall be carried in, as nearly as may be, as actions at law by ordinary proceedings; warning orders against non-residents, absent defendants or unknown owners of property, must be published three times in one of the daily newspapers published in Louisville, the last publication at least ten days before the trial. The owners of distinct parts of one contiguous tract may be included in one proceeding, or any one or more of them holding contiguous tracts may be proceeded against in a separate action. The court shall make all such orders, rules and judgments as will secure a fair trial by an impartial jury of not less than six freeholders of said town or county, and shall give precedence to these trials upon its docket as soon as the parties are before the court and the issues are made up. The jurors shall be sworn truly and impartially to ascertain and determine by their verdict the amount of compensation each owner will be entitled to if his land or property described in the petition is condemned. Upon the return of the verdict, the court shall enter judgment, vesting title to the property in the town of Parkland, said judgment to take effect upon the payment into court by the town of Parkland of the amount of money named in the verdict; but the said town shall have thirty days within which to make

Condemnation of
property for town
purposes.

said compensation; and if not so made within said time, said town shall be deemed to have abandoned that condemnation, and that proceeding shall be dismissed at its costs, but without prejudice to any subsequent proceeding.

Grading streets. § 7. For the purpose of grading and making Virginia avenue, from the Ohio river to the west line of Twenty-eighth street, and said Twenty-eighth street from the south line of Broadway street to Dumesnil street; thence across Dumesnil street and along Amber street to the Cane Run Turnpike and Cecil avenue; from Virginia avenue to the north line at Garland avenue. The board of trustees of the town of Parkland shall pass a resolution directing to be issued the bonds of said town of Parkland, to any amount not to exceed the sum of twenty-five thousand dollars; said bonds to be made payable at any time not exceeding twenty years from the date of their issue, and at such place as said board of trustees shall by resolution determine, to be of the denomination of fifty dollars, one hundred dollars, and five hundred dollars, in such proportions and the trustees may by resolution determine (said bonds to be signed by the mayor of said town and countersigned by a trustee, to be appointed by said board, whose duty shall be to keep a record, in a book prepared for that purpose, of the number and amount of each bond so countersigned by him, and their signatures shall be necessary to their validity), and to bear interest at the rate of six per centum per annum, payable semi-annually, as per coupons attached; and for the payment of the principal and interest of said bonds, said board of trustees shall have power to levy and collect a tax upon all property in said town taxable for State purposes; and it shall be the duty of said board of trustees to order an election to take the sense of the qualified voters of said town upon said resolution, after publishing the same twice in two Louisville daily newspapers; and should a majority of the votes cast favor

such resolution, then the said board of trustees shall cause such bonds to be issued, and shall levy and cause to be collected, annually, such taxes, in addition to the general tax, as shall be sufficient to pay the interest of such bonds as the same shall become due, and to discharge the principal thereof at maturity. The whole of the work and material for the grading and making of said streets or avenues, between the points indicated, shall be let at one time, to be finished as a whole within a given time; every portion shall be graded and made in like manner, constructed of the same kind of material, and, as nearly as may be, of the same quality; of a uniform width and depth of road-bed, and every part be made and completed, as nearly as may be, simultaneously with every other part, so that there shall be no undue discrimination in the material or work, or in the style or time of construction of one part thereof over another.

§ 8. That said board of trustees shall have the right, by resolution or ordinance, to pass such laws, from time to time, for the good government of the town of Parkland, as they may deem in their judgment prudent and for the best interest of her citizens; that said board shall also have power to appoint such officer or officers as in their judgment are needed to aid and assist them in the general government of said town; to designate by what title or titles such officers may be known; to designate the duties of any officers or employes appointed or elected by them; the limit and scope of their powers, and their salary or compensation, if any.

§ 9. The board of trustees of said town of Parkland shall have power to pass all ordinances or resolutions necessary and proper to carry into effect the powers granted in the charter of the town of Parkland and the acts amendatory thereto.

§ 10. All acts and parts of acts in conflict herewith are hereby repealed.

§ 11. This act shall take effect and be in force from and after its passage.

Approved April 5, 1888.

CHAPTER 829.

AN ACT to amend the charter of the town of Arlington, in Carlisle county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of trustees of the town of Arlington, in Carlisle county, be, and they are hereby, authorized and empowered to lay out and establish, by ordinance, such streets and alleys in said town as they may deem necessary or convenient for the use and enjoyment of the public; and for this purpose they may, by their officers and agents, enter upon and appropriate the private property of any person or persons, and to that end they are hereby authorized and empowered to contract with the owners of any such property for such streets and alleys, and to receive a conveyance for same upon such conditions as may be agreed upon.

§ 2. If said board of trustees is unable to agree with the owner of such property as may be laid out, by ordinance, into streets and alleys, as to the compensation therefor, or if, by reason of any disability, the owner is incapable in law to contract, or be a non-resident of the county, then, in either of these cases, the trustees may, by application to the police judge of said town, procure a writ of *ad quod damnum*, directed to the sheriff or any constable of Carlisle county, commanding him, upon a day therein named, to summon a good and lawful jury of twelve men to meet upon the land or at a place convenient thereto, who shall be sworn as in the case of condemnation for a public highway, and shall proceed, after having heard the evidence, to assess the damages which the owner has sustained by reason of his property having been taken for such street or alley; but no such condemnation shall be had if the owner reside in the county until he has been

served with a copy of said writ for at least ten days before the condemnation; nor if the party be laboring under any disability other than coverture, until a *guardian ad litem* has made defense; nor if the party be a non-resident, until defense be made by an attorney appointed for that purpose.

§ 3. The police judge shall attend and preside at such condemnations, and shall keep a record of the proceedings, file same in his office; either party, within three days, may file exceptions to the verdict, which shall be tried by said police court, and he may confirm and render judgment upon the verdict or award a new trial, as he may think is just.

§ 4. Either party may, within sixty days from the time the police judge renders its judgment, prosecute an appeal to the common pleas court of Carlisle county; said appeal shall be taken as appeals are now taken from the judgments of inferior courts, except if the party taking the appeal be under any disability other than coverture, no bond shall be required; and, upon appeal, the case shall be tried *de novo*.

§ 5. In no event shall any such street or alley be opened to the public until the compensation adjudged to the owner shall be actually paid or secured in the manner the court finally trying the case may prescribe; nor shall any such streets or alley be laid out so as to include or be nearer than ten feet of any dwelling-house.

§ 6. That said charter be further amended by providing, that in all case when a fine has been imposed by any judicial officer of said town for a violation of any ordinance or by-law of thereof, an execution may issue thereon for fine and cost, and no property shall be exempt from such execution.

§ 7. Said town shall put and keep its streets in good repair, and if they fail so to do, may be indicted and fined not more than one hundred dollars; but the

citizens shall not be required to work the road outside of said town.

§ 8. This act shall take effect and be in force from and after its passage.

Approved April 5, 1888.

CHAPTER 830.

AN ACT to amend an act, entitled "An act to create the Covington Police District, in Kenton county, and to provide for the government of same."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section two of the act to which this is an amendment be, and the same is hereby, amended by striking therefrom the words "receive an annual salary of two hundred dollars, which shall be provided for by the city council of Covington," and inserting in lieu thereof the words "each receive a salary of two hundred and fifty dollars per annum, which shall be provided for and paid by the city council as the salaries of other city officers are provided for and paid. And said commissioners shall, at such stated times as they may fix by by-law, elect a clerk, who shall hold his office for a term of three years, and until his successor is elected. The commissioners shall prescribe the duties of their clerk, and he shall receive a like salary with that of the commissioners, which shall be paid in like manner."

§ 2. Said act is further amended by striking out and repealing all of the sixth section thereof, and substituting in lieu of said section the following: "Section 6. The powers, jurisdiction and police supervision of the said board of police commissioners, and of the police department under its control, shall be co-extensive with the district hereby created; and all patrolmen and officers under the said commissioners are hereby vested with police powers, and authorized to exercise the same

throughout the said district, and to preserve order therein. Upon the petition in writing of a majority of the owners of the greater portion of the assessed value of the taxable property of that portion of the said district outside the corporate limits of the city of Covington, as the same shall have been valued for State taxation for the year preceding the date of such petition, setting forth that the same is necessary, the commissioners shall provide for additional police protection, surveillance and patrolmen for the inhabitants and property of said portion of said district, and to pay for the same; the Kenton county court shall levy and the sheriff of Kenton county shall collect from the inhabitants and property thereof, as he collects other revenue taxes, such rate of taxes as shall be necessary to pay for such additional police protection, surveillance and patrolmen, to be fixed by the said board of commissioners upon application of the petitioners for such additional police protection, and certified by the said commissioners to the said county court and sheriff. Said tax levy shall be certified by the Kenton county court to the sheriff of Kenton county, and shall be collected by the sheriff as he collects revenue taxes for the Commonwealth, and shall be paid out by the sheriff only upon the warrant of the said board of commissioners, signed by the president thereof and countersigned by its clerk; and the sheriff shall be responsible for the collection and disbursement of said taxes upon his county levy bond."

§ 3. All the acts, doings, orders and transactions of the commissioners appointed and acting under the act to which this is an amendment are hereby ratified, confirmed and declared to be valid and binding.

§ 4. This act shall take effect from and after its passage.

Approved April 5, 1888.

CHAPTER 831.

AN ACT to incorporate the Butler County Fair Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That W. H. Tuck, B. F. Smith, G. W. Leach, G. W. Quinn, H. B. Morehead, J. T. Moore, Len Morris, N. T. Howard and W. S. Taylor, be, and they are hereby, created a body-corporate and politic forever, with succession for thirty years, under the style and name of the "Butler County Fair Association," and under that name may contract and be contracted with, sue and be sued, to plead and be impleaded, in all the courts at law or equity in this Commonwealth ; to acquire by purchase, gift, or donation, as much land or other property as may be necessary for the use of said company, and may dispose of same at pleasure.

§ 2. Said company shall consist of the aforesaid incorporators, who shall each take and hold at least one share of capital stock. The shares shall be at least twenty-five dollars each, which shall be represented by certificates, signed by the president and countersigned by the secretary. The directory may, from time to time, open new books of subscription for stock, and may issue certificates of stock therefor ; whenever the certificates of stock are fully paid into the treasury they shall be real property, and shall be deemed as such, and may be assignable on the books of said company.

§ 3. The officers of said company shall consist of a president, a vice-president, a secretary and five directors, but the office of president and director shall not be incompatible. On the last Saturday in April, 1888, and every year thereafter, there shall be chosen from the members of said company, by a majority vote, five directors, and the said directors shall, at the next regular meeting, appoint one of their members presi-

dent, one vice-president and one secretary, each of whom shall hold their said office until their successor is elected and qualified. The said directors shall appoint a treasurer, who shall execute bond to said company.

§ 4. The said directors shall hold a regular meeting ^{Meeting of directors,} on the first Saturday in each month, and call meetings when they may deem it necessary, and a majority of all the directors shall form a quorum for business; and ^{Quorum,} no moneys shall be appropriated or indebtedness incurred, unless same is concurred in by four-fifths of the entire board of directors, and the yeas and nays recorded.

§ 5. The directory shall be presided over by the president, and in his absence by the vice-president, who shall give the casting vote in case of a tie; and he shall attend to such other duties as are required of him by the by-laws of this company.

§ 6. The said board of directors may hold a fair ^{Annual fair.} annually, on any site near the town of Morgantown, and oftener if they desire to do so, for the exhibition of stock, agricultural products and implements, and such other articles as they may permit to be exhibited; also stock of various kinds, and for the trial of the speed of horses, awarding such premiums as they may deem proper.

§ 7. The board of directors shall have power to ^{By-laws.} make and enforce such rules, regulations and by-laws as they may deem necessary for the interest and welfare of the said company; they may fix the rate for sale fees, entries, exhibitions, etc., and collect same. The president, vice-president and directors shall, when upon the fair grounds, be conservators of the peace, with power to make or cause the arrest of all drunken or disorderly persons, to be dealt with according to the laws of the town of Morgantown, with same punishment, etc., and proceeds of fine to go to said town. They may appoint a special police force, who shall have power to make arrest of any person violating, criminal or penal, any laws of this Commonwealth.

§ 8. The votes of said company shall consist in paid-up policies of twenty-five dollars each.

§ 9. The board of directors shall have power to license peddlers, shows, performances and sales of any articles upon the grounds of said company, and to prohibit any person who have not procured such right from peddling or exercising such right upon their grounds, or in any place adjacent thereto.

§ 10. The said board shall have power to license beer stands upon said grounds, or stand for the sale of spirituous liquor, providing said time of license shall not extend only from the day of the beginning of a fair or other performance to the day it ends, and that said company shall pay to the Commonwealth of Kentucky two dollars per day for such liquor stand so erected and run.

§ 11. All contracts shall be signed by the president and countersigned by the secretary, and unless so done shall not be binding upon the company or their property: *Provided, however,* That said company shall make no contract unless ordered by four-fifths of the directory. The entire property of the company shall be liable for the debts of the company; but in no case shall the private property of any individual member be responsible for the debts of the company.

§ 12. Service of summons shall be upon the president, or, in his absence, upon the secretary or treasurer.

§ 13. This act shall take effect from and after its passage.

Approved April 5, 1888

CHAPTER 832.

AN ACT to incorporate the First State Bank of Monterey.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That there is hereby established a bank of deposit in the town of Monterey, in Owen county; and the subscribers, their associates, successors and assigns, shall be a body-politic and corporate, by the name and style of the "First State Bank of Monterey;" and shall have power to contract and be contracted with, of suing and being sued, of impleading and being impleaded, and of answering and defending, in all courts and places whatever. It may have a common seal, and change and renew the same at pleasure. Corporate name.

§ 2. The capital stock of said bank is limited to fifty thousand dollars, to be divided into five hundred shares of one hundred dollars each; and said corporation may commence business so soon as one hundred and fifty shares of its capital stock shall have been subscribed for and paid in, and the president or cashier shall have made oath of such subscription and payment before some judge or justice of the peace, and the same recorded in the office of the clerk of the Owen county court. Capital. stock.
Shares.

§ 3. That said bank shall be under the control and direction of not less than five nor more than nine directors, to be elected by the stockholders, and shall serve one year, or until their successors shall be elected and qualified. The directors may select annually a president from their number. The stockholders may meet and elect directors when one hundred shares of the capital stock is subscribed for and paid in. In all elections held by said corporation, each subscriber shall be entitled to one vote for each share of stock owned by him or her. Directors.
President.
That G. L. Pryor, W. D. Hardin, R. W. Birchett, Commissioners.

Chas. Gray, J. D. Byrns, T. J. Hardin, T. D. Claxon, R. Emmet Vories, or any one or more of them, may, at such time or places as they may deem proper, open books for subscription for the capital stock of said bank and receive the same.

Open books.

§ 4. That after the said corporation shall have been organized as hereinafter provided, the directors shall have power to receive subscription for so many shares of the capital stock of said bank not theretofore subscribed for as they may, at any time, deem expedient, until the full amount of fifty thousand dollars shall have been subscribed. Said directors shall have power to declare dividends out of the profits of said bank; to appoint such officers, agents, servants as they may deem necessary to conduct the business of the bank, and to pay them such sums as wages or salaries, and to take from them such bonds as to secure the faithful performance of their duty, as they may think reasonable and proper. In case of the death or resignation of any director, the vacancy may be filled by the board of directors. The directors in all cases shall be stockholders and residents of Kentucky.

Officers and agents.

§ 5. The stockholders may adopt such by-laws, rules and regulations, for the conduct and management of said business as they may deem proper, not contravening any law of this State or of the United States; and the said by-laws may be repealed, altered or changed by a majority of all the stockholders.

By laws.

§ 6. The stock of said corporation shall be deemed personal property, and shall be assignable only on the books of the bank upon such rules as shall be established by the by-laws from time to time; but said corporation shall have a lien on the stock to secure any indebtedness by the stockholder for any unpaid balance he may owe on said stock; and no stock shall be assigned while the bank has a lien on said stock. The individual stockholder shall not be responsible for the contracts of said corporation.

§ 7. That said bank may transact a financial busi-

ness as a natural person; may loan money, discount Business. promissory notes, bills of exchange, or other evidence of indebtedness; may buy and sell gold and silver coin, exchange stocks or other securities, and all other evidence of indebtedness, and may do a general banking business, except only that it shall not have power to issue notes of its own to circulate as money. The General banking business. promissory notes or bills of exchange made negotiable and payable at its banking-house, or any other banking-house when discounted by this bank, shall be, and hereby are, put upon the same footing as foreign bills of exchange, and like remedy may be had thereon, jointly and severally, against the makers, drawers, and indorsers. The said bank may receive, in pledge for money loaned or debts owing it, bonds, stocks, produce, merchandise, and all manner of personal property and real estate, and have the same sold on non-payment of debt or demand by judicial proceedings.

§ 8. That said bank may receive deposits of gold, silver, bank notes or other notes that may be circulated as money, and pay the same in such manner as may be agreed upon with the depositors by special or general contract; said bank may receive deposits from minors and married women, and the checks, receipts or acquittances of such minors or married women shall be valid.

§ 9. That the said bank may acquire, hold, possess, use, occupy and enjoy all such real estate, goods and chattels, as may be necessary for the transaction of its business, or which may be conveyed to it as security for any debt, judgment or decree; but no real estate purchased by it in satisfaction of any debt, judgment or decree shall be held for a longer time than five years. And said bank may, through its president and cashier, convey the same by deed as a natural person; and may take personal and other securities for the payment of obligations, and dispose of the latter in accordance with the provisions of an act,

entitled "An act for the benefit of the incorporated banks of Kentucky," approved March 16, 1871, and such disposition shall pass a valid title to the same.

§ 10. This act to take effect from its passage, and remain in full force for twenty-five years from the first organization of said institution: *Provided*, It is organized within five years from its passage, unless dissolved by a two-thirds vote of the stockholders in par value.

Approved April 5, 1888.

CHAPTER 833.

AN ACT to incorporate the Pineville Street Railway Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Wm. Low, M. J. Moss, James S. Ray, M. S. Barker, T. C. H. Vance and Samuel B. Kirby, their associates and successors, be, and are hereby, created a corporation, under the name and style of "The Pineville Street Railway Company;" and by said name may have perpetual succession, may sue and be sued, plead and be impleaded, have and use a common seal, alter the same at pleasure; contract and be contracted with, hold and acquire, by lease or purchase, real and personal property, and dispose of the same by lease, sale or mortgage.

§ 2. Said corporation shall have the power to contract, maintain and operate single or double track railways, and may use as motive power either horses or cable, or such of them as may be deemed necessary, or any other power now used, or which shall hereafter be used by street railway companies. It shall have the power to construct and operate all necessary side-tracks, curves, turn-tables, turn-outs, depots, stables, shops and other needed structures; and said railway may construct and operate its line or

lines of railway over any or all the streets of the town of Pineville, and also to any point or points within a distance of five miles of said town, and shall have the privileges of at any time extending its existing lines, or of constructing others, as the growth of the town of Pineville or the company may require: *Provided*, Said company shall, within one year from the passage of this act, begin in good faith the construction of said street railroad, and each year thereafter construct one mile of road: *Provided, however*, That before the said company shall run over or across any street or alley of said town of Pineville, the consent of the board of trustees or board of councilmen shall first be procured thereto.

§ 3. The capital stock of said company shall be ten thousand dollars, and may be increased from time to time as the majority of the stockholders may direct, and shall be divided into shares of twenty-five dollars each. Said corporation shall have the right to commence business whenever two thousand dollars of *bona fide* subscriptions shall be received, the same to be paid as required by the board of directors. The said corporators or board of directors, or either of them, may open books to receive subscriptions to the capital stock of said company, and such books of subscription may be opened and subscriptions received at such time and place, and upon such notice thereof, as any two corporators may deem proper.

§ 4. The stockholders representing a majority of the stock subscribed for may have power to elect the first board of directors, who shall serve for one year or less, in the discretion of a majority of the stockholders, from the time of their election; and thereafter said stockholders of said company shall annually meet and elect their board, transact any other business for the good of the corporation, and may change the date of annual meetings if a majority of the stockholders so decide. The board of directors shall elect from their number a president,

and may appoint such other officers to manage the affairs of the corporation as may be necessary; and in case of death or resignation of any member of the board, the vacancy may be filled by the balance of the directors; said board to make such by-laws as the good of the corporation shall demand.

Vacancy.

§ 5. If the line or lines of this corporation traverse or infringe upon any private property, the same shall be compensated for to the owner; and if no agreement can be arrived at, the said corporation may proceed to condemn the property by writ of *ad quod damnum*, according to the law regulating such proceedings.

Condemnation.

§ 6. This act shall take effect from its passage.

Approved April 5, 1888.

CHAPTER 834.

AN ACT to incorporate the Meadowthorpe Kennel.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That William Bright, John R. Williamson, William H. Cheppu, William Mabon and August C. Gutzeit, their associates, successors and assigns, be, and are hereby, created a body-corporate and politic, under the name and style of the Meadowthorpe Kennel, with power to sue and be sued, contract and be contracted with, and to have, make and alter a common seal, and to have all other powers, rights and privileges incident to other corporations.

§ 2. That the object of said corporation shall be to promote, encourage and improve the breeding of a superior class of dogs, fowls and other domestic animals, and their exhibition and competitive trials in the field; and to this end the said corporation may import, breed, buy and sell on its own account, or for compensation, to be fixed by a per cent., commission

or otherwise, dogs, fowls and domestic animals of all kinds, and every thing pertaining to the needs, wants and uses of the same. To keep and care for them, and to conduct sales and all such business as may lawfully appertain or be conducted in connection with a market for them; and for its purposes and use it may hold, by lease or purchase, real estate sufficient in value and extent for the purposes aforesaid.

§ 3. Said corporation shall have the same lien and priorities upon dogs, fowls and other domestic animals consigned to it for keep, sale or breeding now allowed by law to livery-stable keepers in this Commonwealth for keeping horses.

§ 4. Said corporation shall conduct its business in or near the city of Lexington. Its capital stock shall be any amount fixed by the first board of directors, not exceeding twenty thousand (\$20,000) dollars, to be paid in such installments and at such times as the board of directors may determine; but the capital stock may be increased at any time thereafter, if deemed advisable, to a sum not to exceed one hundred thousand (\$100,000) dollars, to be also paid in in such amounts and at such periods as said board of directors may determine. Said corporation may proceed to organize and conduct its business whenever one hundred shares of stock shall have been subscribed for.

§ 5. The business of said corporation shall be conducted and managed by a board of three directors, who shall elect from their number a president, and may appoint such other officers and agents as they may deem proper for the conduct of the business, with power to remove the same at pleasure.

§ 6. The said board of directors may adopt all needful by-laws and regulations for the conduct of the business of the corporation, not inconsistent with the laws of the land, and may alter and amend the same at pleasure, prescribing the duties, compensation and

terms of office of such agents, officers and employes as they may, from time to time, select.

§ 7. The said corporation may borrow money to an amount not exceeding two-thirds of its capital stock, and issue bonds in sums of one hundred, five hundred and one thousand dollars each, and may pledge and mortgage the property of said corporation, and its rights and franchise, to secure the same ; but in no case shall the debts of the corporation exceed in amount two-thirds of its capital stock.

§ 8. Said corporation may print and circulate a periodical journal, devoted to horses, dogs, fowls, live stock and kindred interests ; may print and circulate a periodical catalogue of horses, dogs, fowls and live stock ; may conduct a department for furnishing, verifying and certifying pedigrees of horses, dogs, fowls and live stock ; may act as agent in buying and selling horses, dogs, fowls and like property ; may conduct fairs and exhibitions of the same, and may have and exercise all the rights now conferred by law on the Kentucky Agricultural and Mechanical Association for the improvement of the breeds of stock ; and this corporation shall continue and endure for fifty years from the date of its organization.

§ 9. The stockholders in this corporation shall not be individually liable for the debts of the corporation.

§ 10. This act shall take effect and be in force from and after its passage.

Approved April 5, 1888.

CHAPTER 835.

AN ACT to incorporate the Hopkinsville Savings Bank.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That there is hereby established a bank of deposit in the city of Hopkinsville, Kentucky, with a

Incorporated.

capital of one hundred thousand dollars, in shares of Capital stock.
 ten dollars each, to be subscribed and paid for as here- Shares
 in after specified ; and the subscribers, their associates,
 successors and assigns, shall be a body-politic and cor-
 porate, by the name and style of The Hopkinsville Corporate name.
 Savings Bank, and shall so continue for thirty years
 from its organization ; and shall be capable of con- Corporate pow-
 tracting and being contracted with, of suing and be- ers.
 ing sued, of impleading and being impleaded, of
 answering and defending, in all courts and places
 whatever ; it may have a common seal, and change
 and renew the same at pleasure.

§ 2. Said bank shall be under the control and direc- Directors.
 tion of five directors, who shall be stockholders and
 residents of this State ; and after the first election they
 shall be elected annually on the second Monday in
 January in each year, and hold office until their suc-
 cessors are elected and qualified. They shall elect one President.
 of their number president, and shall hold regular meet-
 ings at such time as may be fixed by the by-laws,
 and other meetings may be had whenever deemed
 necessary. In case of the death, resignation, or re- Vacancy.
 moval of any director, the vacancy shall be filled
 by the board of directors. The directors shall have Directors receive
 power to receive subscriptions for so many of the subscriptions.
 shares of the stock of said corporation remaining un-
 sold as they may at any time choose to sell ; to de- Declare divi-
 clare dividends of the profits arising out of the busi- dends.
 ness ; and to appoint such officers, agents and servants Appoint officers.
 as they may deem necessary to conduct the business
 of the bank, and pay them such sum as wages and Salaries.
 salaries, and take from them such bonds to secure the
 faithful performance of their duties, as they shall
 think proper and reasonable. The stock shall be Stock personal-
 deemed personal property, and shall be assignable property.
 according to such rules as the board of directors
 shall, from time to time, establish ; but the corpora-
 tion shall have a lien on the stock to secure any in-
 debtedness of the stockholder to said bank for unpaid
 balance on subscription to said stock.

§ 3. James M. Clark, George V. Green, G. H. Stowe,
Commissioners. George C. Lang and Thomas W. Lang, are hereby ap-
pointed commissioners, any two of whom may open
Open books. books and receive subscriptions for the capital stock ;
When organize. and when two hundred and fifty shares shall have
been subscribed, it shall be their duty to give notice
in one newspaper published in the city of Hopkins-
ville, and appoint a day for the election of a board
of directors, who shall hold their office until the en-
suing annual election ; and at said election, and all
elections of directors, each stockholder shall have
one vote for each share of stock he or she may own
or hold in said bank, and the vote may be cast by
the stockholder in person, or by the person named
in a proxy duly signed by the stockholder. The
How shares paid for. payment of the shares subscribed shall be as follows :
Five dollars on each share at the time of subscrip-
tion, and twenty dollars within ten days after the
election of the first board of directors, and the resi-
due in installments of twenty-five dollars on each
share every thirty days: *Provided*, That after twelve
thousand five hundred dollars shall have been paid,
the board of directors shall have power to prolong
the time for the payment of the residue ; and should
any of the subscribers fail to pay for their subscrip-
tions of stock as herein provided, the directors, after
giving notice of their intention in a newspaper pub-
lished in said city, may, by resolution entered on
their record, resell the same at such time and place
as they may deem expedient ; and should the stock
so resold bring more than the balance due thereon,
including commission and all costs of selling, the
residue of the proceeds shall be paid over to the
original subscriber ; said corporation may commence
business as soon as ten thousand dollars shall have
been paid in and the president or cashier first elected
shall have made oath to the fact of such payment
before some judge or justice of the peace.

§ 4. Said bank may receive deposits of gold, silver,

bank notes and other notes which may be lawfully General business. circulating as money, and repay the same in such manner, at such times, and with such interest, not exceeding six per cent per annum, as may be agreed upon with the depositors by special or general contract; may deal in the loaning of money, exchange, promissory notes, stocks, bonds and other evidences of debt; take personal and other securities for the payment thereof, and dispose of the latter as may be agreed upon at the time, in writing, in all respects as natural persons may do under the common law; and the promissory notes made negotiable and payable at its banking office, or at any bank, and inland bills which may be discounted by it, shall be, and they are hereby, put upon the footing of foreign bills of exchange, and like remedy may be had thereon, jointly and severally, against the drawers, indorsers, and other parties thereto.

§ 5. The corporation may acquire, hold, possess, Hold real estate. use, occupy and enjoy all such real estate, goods and chattels, as may be necessary for the transaction of its business, or which may be conveyed to it as security for any debt, or purchased in satisfaction of any debt, judgment or decree, and sell and convey the same; but all real estate so purchased in satisfaction of any debt shall be resold within five years from the date of such purchase; and the board of directors may make such by-laws for their government as they may deem necessary: *Provided*, The same be not contrary to the Constitution and laws of the State or of the United States.

§ 6. If the cashier, clerks, teller or other officer shall appropriate any of the funds of said corporation to his own use, or shall willfully fail to make correct entries, or knowingly make false ones on the books of the bank, with intent to cheat or defraud the corporation or any other person, or to conceal any improper appropriation of funds, the person so offending

shall be guilty of felony, and subject to such pains and penalties as are provided in the General Statutes for like offenses.

§ 7. It shall not be lawful for said bank to issue any note or bill to be used or passed as currency.

§ 8. The private property of the stockholders is exempt from the corporate debts.

Private property
exempt.

§ 9. The General Assembly shall have the right to examine the affairs of said corporation by any committee, officer or agent they may appoint for that purpose.

§ 10. This act shall take effect from its passage, and the Legislature reserves the right to alter, amend or repeal this charter at pleasure.

Approved April 5, 1888.

CHAPTER 836.

AN ACT to amend the charter of the Pendleton Agricultural and Mechanical Association, at Falmouth, Pendleton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Pendleton Agricultural and Mechanical Association, approved March 16, 1878, be, and the same is, so amended as to authorize the board of directors to grant the privilege of selling malt liquors by retail on its grounds during the days on which said association actually holds its exhibition.

§ 2. That said charter be, and the same is, so amended as to authorize and empower said board of directors to appoint a sufficient number of special policemen as it shall deem necessary to keep and preserve the peace on said grounds during its exhibitions; and said special policemen shall have such power to preserve the peace and arrest persons who violate the law, or shall be disorderly on the

grounds or adjacent thereto, as is conferred on marshals of towns and cities in this Commonwealth; and their jurisdiction shall only extend to the grounds of the association and the grounds immediately adjacent thereto; and they shall have like power and authority to carry any person arrested within their jurisdiction before the police judge of Falmouth, or nearest justices of the peace, or to the jail, as other peace officers have. Said special policemen shall hold their office during the time said association is making its exhibition, and no longer, and shall be duly sworn to faithfully discharge their duties before entering thereon.

§ 3. For a violation or neglect of their duties, said special policemen shall be subject to such punishments as are provided by law for other peace officers for like offenses.

§ 4. Said association shall be responsible to any person for such damages or injuries as he may receive by reason of any wrongful conduct of any of said special policemen, which may be recovered by action against said association as damages for personal injuries and injuries to property in other cases are recovered.

§ 5. This act shall not take effect until it is submitted to a vote of the stockholders of said association and voted for by a majority of said stockholders. Said election shall be held at any time after duly advertising thirty days of the time and place of the election by the directors of said association by at least two insertions in one of the newspapers published in Falmouth, Pendleton county, Kentucky.

§ 6. This act to take effect from and after its passage.

Approved April 5, 1888.

CHAPTER 837.

AN ACT to amend an act, entitled "An act to establish a system of public and high schools for the town of Sebree, in the county of Webster, for white children only," approved February 18, 1888.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Provisions for
election.

§ 1. That an act, entitled "An act to establish a system of public and high schools for the town of Sebree, in the county of Webster, for white children only," approved February 18, 1888, be, and the same is hereby, amended by adding thereto the following as an additional section, viz: Upon written application of the persons named as trustees in section 11 of this act, the county court of Webster county shall order an election, and fix the time and appoint the usual officers for the holding of same, including a person to act as sheriff. At least two weeks' notice shall be given of said election, by written or printed notices, posted at six or more public places in the proposed district; and it shall be the duty of the persons named in section 11 to give such notice. The officers of said election shall be duly sworn, and shall open a poll-book in said town of Sebree, with two columns, one headed "For the school law," and the other "Against the school law." The vote shall be properly recorded in these two columns. The vote shall be summed up and certified as in case of other elections, and the book sealed and delivered by the person acting as sheriff to the county clerk. And the poll-book shall be compared, and the result certified by the county comparing board, and the certificate of the result shall be entered at length on the order-book of the county court. If, at said election, a majority of the votes cast by persons entitled to vote thereat shall be in favor of the school law, then the act to which this is an amendment, and this act, and all the provisions of each, shall be in full force and effect

from the date of the certificate of that fact by the comparing board. These provisions shall apply to any election to be held under said act.

§ 2. Section 13 of said act is so amended as to au- Per capita.
thorize the levy and collection of not exceeding five dollars per capita, instead of the amount fixed in said section.

§ 3. The board of trustees are authorized to levy Taxes.
any and all taxes provided for by said act, same to be done under the limitations and restrictions therein provided as amended by this act.

§ 4. This act, and the act to which this is an amend- Time for taking effect.
ment, shall take effect from and after the passage of this act, so far as they authorize the ordering and holding of the election named in first section of this act, the comparing of the polls and certifying result, and the entering of same on the records; in all other respects the taking effect of this act, and the act to which this is an amendment, shall be as provided in section one of this act.

Approved April 5, 1888.

CHAPTER 838.

AN ACT to incorporate the Chatarawha Pipe-line Transportation Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Jay H. Northup, R. F. Vinson, F. T. D. Names of incor-
Wallace, George H. Bradley, and John M. Rice, their porators and incor-
associates and assigns, be, and they are hereby, incor- porate powers.
porated into a company, to be styled the Chatarawha Pipe-line Transportation Company; and by that name and style shall have perpetual succession, with all privileges, franchises, and immunity incident to a corporation, and be able to sue and be sued, plead and be impleaded, in all courts of record; and to

purchase, receive, have, hold and enjoy goods, chattels and estates, real and personal, of whatever kind or nature, and the same from time to time to sell, exchange, mortgage, grant, or otherwise dispose of; and also to make and have a common seal, and the same to alter or renew at pleasure; and generally to do all and singular the matters and things which to the said corporation shall lawfully appertain to do for the well-being thereof, not contrary to the laws of the United States or the State of Kentucky.

§ 2. The principal office of the company shall be located at Louisa, Kentucky; but other offices and agencies may be established for the transaction of business pertaining to the company.

§ 3. That the capital stock of said company shall consist of one thousand shares of one hundred dollars each: *Provided*, That, by a vote of the stockholders, the said company may, from time to time, increase the capital stock of said company to any amount not exceeding one million of dollars.

§ 4. That said company shall have the right, for themselves or as agents, upon commission or otherwise, to lease, sell or otherwise acquire and dispose of oil and oil lands, mine or bore for oil; store, insure, ship and transport petroleum and its products, and may construct and erect tanks of iron or other suitable material for its storage of oil, and to lay down, construct and connect iron or other pipes for that purpose from and to any point in this Commonwealth, when the business of this company may require such lines; and the said company shall also have the right to acquire, use and occupy such lands as may be necessary for the purpose of erecting and building tanks to hold the oil or petroleum, and for the purpose of laying down pipes or tubing for the conveyance of the oils from the wells or reservoirs of this company, or any other similar company; and to make and construct branch pipe lines, or branches to said branches, and for the erection of such machinery as may be required to carry on the

transportation or storage and manufacturing business of said company.

§ 5. That the corporators herein named shall, when Subscriptions. they may desire to do so, open books for subscriptions to the capital stock of said company; and when ten shares of stock shall have been subscribed for, said stockholders shall select from their number five, who shall serve as directors of said company, who shall select one of their number as president. They shall have power to elect or appoint any and all other officers, agents and servants as may to them appear necessary in prosecuting the business of said company, and have power to make all needful by-laws and regulations for the government and control of said company.

§ 6. That said company shall have power and au- Issue of bonds. thority to issue bonds on the credit of said company, and shall have the power and authority to mortgage their property and franchises of the company to secure the principal and interest of said bonds.

§ 7. That said company are authorized to collect Tolls. such tolls for the transportation and storage of oil as may be agreed upon, from time to time, by the board of directors. Said company shall also have the right to manufacture lubricating and illuminating and other oils and gas, and to transport, by pipe-line or otherwise, any gas for illuminating or heating purposes.

§ 8. That the private property of the stockholders Exemption of private property. shall not be liable for the corporate debts of the company.

§ 9. This act shall take effect from and after its passage.

Approved April 5, 1888.

terms of office of such agents, officers and employes as they may, from time to time, select.

§ 7. The said corporation may borrow money to an amount not exceeding two-thirds of its capital stock, and issue bonds in sums of one hundred, five hundred and one thousand dollars each, and may pledge and mortgage the property of said corporation, and its rights and franchise, to secure the same ; but in no case shall the debts of the corporation exceed in amount two-thirds of its capital stock.

§ 8. Said corporation may print and circulate a periodical journal, devoted to horses, dogs, fowls, live stock and kindred interests ; may print and circulate a periodical catalogue of horses, dogs, fowls and live stock ; may conduct a department for furnishing, verifying and certifying pedigrees of horses, dogs, fowls and live stock ; may act as agent in buying and selling horses, dogs, fowls and like property ; may conduct fairs and exhibitions of the same, and may have and exercise all the rights now conferred by law on the Kentucky Agricultural and Mechanical Association for the improvement of the breeds of stock ; and this corporation shall continue and endure for fifty years from the date of its organization.

§ 9. The stockholders in this corporation shall not be individually liable for the debts of the corporation.

§ 10. This act shall take effect and be in force from and after its passage.

Approved April 5, 1888.

CHAPTER 835.

AN ACT to incorporate the Hopkinsville Savings Bank.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That there is hereby established a bank of deposit in the city of Hopkinsville, Kentucky, with a

Incorporated.

capital of one hundred thousand dollars, in shares of Capital stock.
 ten dollars each, to be subscribed and paid for as here- Shares
 inafter specified ; and the subscribers, their associates,
 successors and assigns, shall be a body-politic and cor-
 porate, by the name and style of The Hopkinsville Corporate name.
 Savings Bank, and shall so continue for thirty years
 from its organization ; and shall be capable of con- Corporate pow-
 tracting and being contracted with, of suing and be- ers.
 ing sued, of impleading and being impleaded, of
 answering and defending, in all courts and places
 whatever ; it may have a common seal, and change
 and renew the same at pleasure.

§ 2. Said bank shall be under the control and direc- Directors.
 tion of five directors, who shall be stockholders and
 residents of this State ; and after the first election they
 shall be elected annually on the second Monday in
 January in each year, and hold office until their suc-
 cessors are elected and qualified. They shall elect one President.
 of their number president, and shall hold regular meet-
 ings at such time as may be fixed by the by-laws,
 and other meetings may be had whenever deemed
 necessary. In case of the death, resignation, or re- Vacancy.
 moval of any director, the vacancy shall be filled
 by the board of directors. The directors shall have Directors receive
 power to receive subscriptions for so many of the subscriptions.
 shares of the stock of said corporation remaining un-
 sold as they may at any time choose to sell ; to de- Declare divi-
 clare dividends of the profits arising out of the busi- dends.
 ness ; and to appoint such officers, agents and servants Appoint officers.
 as they may deem necessary to conduct the business
 of the bank, and pay them such sum as wages and Salaries.
 salaries, and take from them such bonds to secure the
 faithful performance of their duties, as they shall
 think proper and reasonable. The stock shall be Stock personal
 deemed personal property, and shall be assignable property.
 according to such rules as the board of directors
 shall, from time to time, establish ; but the corpora-
 tion shall have a lien on the stock to secure any in-
 debtedness of the stockholder to said bank for unpaid
 balance on subscription to said stock.

§ 3. James M. Clark, George V. Green, G. H. Stowe,
Commissioners. George C. Lang and Thomas W. Lang, are hereby ap-
pointed commissioners, any two of whom may open
Open books. books and receive subscriptions for the capital stock ;
When organize. and when two hundred and fifty shares shall have
been subscribed, it shall be their duty to give notice
in one newspaper published in the city of Hopkins-
ville, and appoint a day for the election of a board
of directors, who shall hold their office until the en-
suing annual election ; and at said election, and all
elections of directors, each stockholder shall have
one vote for each share of stock he or she may own
or hold in said bank, and the vote may be cast by
the stockholder in person, or by the person named
How shares paid for. in a proxy duly signed by the stockholder. The
payment of the shares subscribed shall be as follows :
Five dollars on each share at the time of subscrip-
tion, and twenty dollars within ten days after the
election of the first board of directors, and the resi-
due in installments of twenty-five dollars on each
share every thirty days : *Provided*, That after twelve
thousand five hundred dollars shall have been paid,
the board of directors shall have power to prolong
the time for the payment of the residue ; and should
any of the subscribers fail to pay for their subscrip-
tions of stock as herein provided, the directors, after
giving notice of their intention in a newspaper pub-
lished in said city, may, by resolution entered on
their record, resell the same at such time and place
as they may deem expedient ; and should the stock
so resold bring more than the balance due thereon,
including commission and all costs of selling, the
residue of the proceeds shall be paid over to the
original subscriber ; said corporation may commence
business as soon as ten thousand dollars shall have
been paid in and the president or cashier first elected
shall have made oath to the fact of such payment
before some judge or justice of the peace.

§ 4. Said bank may receive deposits of gold, silver,

bank notes and other notes which may be lawfully General business. circulating as money, and repay the same in such manner, at such times, and with such interest, not exceeding six per cent per annum, as may be agreed upon with the depositors by special or general contract; may deal in the loaning of money, exchange, promissory notes, stocks, bonds and other evidences of debt; take personal and other securities for the payment thereof, and dispose of the latter as may be agreed upon at the time, in writing, in all respects as natural persons may do under the common law; and the promissory notes made negotiable and payable at its banking office, or at any bank, and inland bills which may be discounted by it, shall be, and they are hereby, put upon the footing of foreign bills of exchange, and like remedy may be had thereon, jointly and severally, against the drawers, indorsers, and other parties thereto.

§ 5. The corporation may acquire, hold, possess, Hold real estate. use, occupy and enjoy all such real estate, goods and chattels, as may be necessary for the transaction of its business, or which may be conveyed to it as security for any debt, or purchased in satisfaction of any debt, judgment or decree, and sell and convey the same; but all real estate so purchased in satisfaction of any debt shall be resold within five years from the date of such purchase; and the board of directors may make such by-laws for their government as they may deem necessary: *Provided*, The same be not contrary to the Constitution and laws of the State or of the United States.

§ 6. If the cashier, clerks, teller or other officer shall appropriate any of the funds of said corporation to his own use, or shall willfully fail to make correct entries, or knowingly make false ones on the books of the bank, with intent to cheat or defraud the corporation or any other person, or to conceal any improper appropriation of funds, the person so offending

§ 3. James M. Clark, George V. Green, G. H. Stowe,
Commissioners. George C. Lang and Thomas W. Lang, are hereby ap-
pointed commissioners, any two of whom may open
Open books. books and receive subscriptions for the capital stock ;
When organize. and when two hundred and fifty shares shall have
been subscribed, it shall be their duty to give notice
in one newspaper published in the city of Hopkins-
ville, and appoint a day for the election of a board
of directors, who shall hold their office until the en-
suing annual election ; and at said election, and all
elections of directors, each stockholder shall have
one vote for each share of stock he or she may own
or hold in said bank, and the vote may be cast by
the stockholder in person, or by the person named
in a proxy duly signed by the stockholder. The
How shares paid for. payment of the shares subscribed shall be as follows :
Five dollars on each share at the time of subscrip-
tion, and twenty dollars within ten days after the
election of the first board of directors, and the resi-
due in installments of twenty-five dollars on each
share every thirty days : *Provided*, That after twelve
thousand five hundred dollars shall have been paid,
the board of directors shall have power to prolong
the time for the payment of the residue ; and should
any of the subscribers fail to pay for their subscrip-
tions of stock as herein provided, the directors, after
giving notice of their intention in a newspaper pub-
lished in said city, may, by resolution entered on
their record, resell the same at such time and place
as they may deem expedient ; and should the stock
so resold bring more than the balance due thereon,
including commission and all costs of selling, the
residue of the proceeds shall be paid over to the
original subscriber ; said corporation may commence
business as soon as ten thousand dollars shall have
been paid in and the president or cashier first elected
shall have made oath to the fact of such payment
before some judge or justice of the peace.

§ 4. Said bank may receive deposits of gold, silver,

bank notes and other notes which may be lawfully General business. circulating as money, and repay the same in such manner, at such times, and with such interest, not exceeding six per cent per annum, as may be agreed upon with the depositors by special or general contract; may deal in the loaning of money, exchange, promissory notes, stocks, bonds and other evidences of debt; take personal and other securities for the payment thereof, and dispose of the latter as may be agreed upon at the time, in writing, in all respects as natural persons may do under the common law; and the promissory notes made negotiable and payable at its banking office, or at any bank, and inland bills which may be discounted by it, shall be, and they are hereby, put upon the footing of foreign bills of exchange, and like remedy may be had thereon, jointly and severally, against the drawers, indorsers, and other parties thereto.

§ 5. The corporation may acquire, hold, possess, Hold real estate. use, occupy and enjoy all such real estate, goods and chattels, as may be necessary for the transaction of its business, or which may be conveyed to it as security for any debt, or purchased in satisfaction of any debt, judgment or decree, and sell and convey the same; but all real estate so purchased in satisfaction of any debt shall be resold within five years from the date of such purchase; and the board of directors may make such by-laws for their government as they may deem necessary: *Provided*, The same be not contrary to the Constitution and laws of the State or of the United States.

§ 6. If the cashier, clerks, teller or other officer shall appropriate any of the funds of said corporation to his own use, or shall willfully fail to make correct entries, or knowingly make false ones on the books of the bank, with intent to cheat or defraud the corporation or any other person, or to conceal any improper appropriation of funds, the person so offending

shall be guilty of felony, and subject to such pains and penalties as are provided in the General Statutes for like offenses.

§ 7. It shall not be lawful for said bank to issue any note or bill to be used or passed as currency.

§ 8. The private property of the stockholders is exempt from the corporate debts.

§ 9. The General Assembly shall have the right to examine the affairs of said corporation by any committee, officer or agent they may appoint for that purpose.

§ 10. This act shall take effect from its passage, and the Legislature reserves the right to alter, amend or repeal this charter at pleasure.

Approved April 5, 1888.

CHAPTER 836.

AN ACT to amend the charter of the Pendleton Agricultural and Mechanical Association, at Falmouth, Pendleton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the charter of the Pendleton Agricultural and Mechanical Association, approved March 16, 1878, be, and the same is, so amended as to authorize the board of directors to grant the privilege of selling malt liquors by retail on its grounds during the days on which said association actually holds its exhibition.

§ 2. That said charter be, and the same is, so amended as to authorize and empower said board of directors to appoint a sufficient number of special policemen as it shall deem necessary to keep and preserve the peace on said grounds during its exhibitions; and said special policemen shall have such power to preserve the peace and arrest persons who violate the law, or shall be disorderly on the

votes of the electors of said county cast at the August election 1888; and to take the sense of said electors on said proposition, the same shall be submitted to them at said election, and the vote thereon counted and the result declared as other votes at such elections; that the certificate of the result shall be recorded in the order-book of the county court: *And provided further*, That this act shall be published in a county newspaper at least three consecutive numbers preceding the election.

Approved April 5, 1888.

CHAPTER 845.

AN ACT to incorporate the Peninsular Iron Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Frank P. Kendrick and S. B. Macdonell, Names of incorporators. of Philadelphia, Pennsylvania; W. D. Lee, of Newark, Ohio; Homer Hoyt, of New York; Charles Read, W. W. Powell and C. H. Thomas, of Paducah, Kentucky; B. R. Hutchcraft, of Lexington, Kentucky; Thomas H. Hays and Edward F. Madden, of Louisville, Kentucky, their associates and successors, be, and they are hereby, incorporated, under the name of the Peninsular Iron Company, with all the rights and powers incident to corporations.

§ 2. The general nature of the business transacted Nature of business. by the said Peninsular Iron Company shall consist in constructing, buying, owning and operating furnaces for the manufacture of iron, and in buying, selling and dealing in lands, iron, iron ore, coal and timber, and other property, and in owning and operating mines.

§ 3. The said company shall have the power to build Rights and powers of company. and establish, purchase, own and operate such furnaces, rolling mills and other buildings, and such

machinery and appliances, and to acquire and hold such lands as may be convenient and necessary for the conduct of its business ; and shall further have the right and power to buy, sell and deal in lands, and in timber, saw-logs, lumber, iron, coal, iron ore, and any and all other kinds of property and material pertaining to the business of the manufacture of iron. The said company shall have the right and power to buy, sell, deal in, own and operate mines, including the mining of coal and iron ores, and also the right and power to locate and drive, and to buy, sell, deal in, own and operate petroleum wells and wells of natural gas.

Capital stock.

§ 4. The capital stock of said company shall consist of one million of dollars, divided into shares of one hundred dollars each, which stock shall be paid for at such times and in such installments and at such prices as the board of directors may require and direct : *Provided, however,* That at least ten thousand dollars of said capital stock shall have been subscribed for, and not less than ten per cent. of such subscription shall have been paid in, before the said company shall begin business.

Capital stock,
now divided.

§ 5. The capital stock herein authorized to be issued may be divided by the board of directors, if they shall so desire, into two classes, called common stock and preferred stock, and may consist of one-half, to wit : Five hundred thousand dollars common stock and of one-half preferred stock ; and so much thereof as may be issued as preferred stock shall be entitled to a first and prior payment from the earnings of said company of a dividend equal to six per centum per annum, on the amount of said stock actually issued, and shall be entitled to share equally with the common stock in so much of the earnings of said company as may remain after the payment of the said dividends of six per centum per annum, as hereinabove provided for.

§ 6. The board of directors may borrow money upon

the credit of the said company, and issue and sell May borrow money. bonds to the amount of five hundred thousand dollars, secured by mortgage upon the property, rights and franchises of said company, which bonds shall mature at such time as may be fixed by the said board of directors, and may bear interest at such rate as may be therein nominated, not exceeding the legal rate of interest in the State of Kentucky.

§ 7. The existence of said corporation shall commence immediately upon the passage of this act.

§ 8. The said company shall have perpetual succession; shall sue and be sued by its corporate name; shall make contracts and acquire and transfer property, and shall possess in such respects the same power as private individuals now enjoyed; and shall have a common seal, which it may alter at pleasure. Corporate powers.

§ 9. The stock of said company shall be transferable upon the books of the company, but such transfer can only be made by order of the stockholder in person or his duly authorized attorney, and shall only be made upon surrender and cancellation of the outstanding certificate, and shall be subject to a lien by the company upon the stock of any member to secure the payment of any indebtedness he may owe the company arising from the non-payment of stock only. Transfer of stock how made.

§ 10. The affairs of the company shall be conducted by a board of seven directors, who shall be chosen by and from the stockholders, on the first Monday of December in each year, and who shall hold office until their successors are elected and qualified. Every director, before entering upon his office as such, shall take an oath that he will faithfully perform his duties. Affairs to be managed by board of directors.

§ 11. The above named Frank P. Kendrick, S. B. McDowell, of Philadelphia, Pennsylvania; W. D. Lee, of Newark, Ohio; Homer Hoit, of New York; Charles Read, W. W. Powell, C. H. Thomas, of Paducah, Kentucky; B. R. Hutchcraft, of Lexington, Names of first board.

Kentucky ; Thomas H. Hays and Edward F. Madden, of Louisville, Kentucky, shall constitute the first board of directors, and shall serve as such until the first Monday in December, 1888, and until their successors are elected and qualified.

§ 12. The board of directors shall, from their own number, elect a president and vice-president, and they shall appoint and employ a secretary and treasurer, and such other officers, agents, employes and operatives as may, in their opinion, be necessary to properly transact the business of the company. They may require the treasurer to give a good and satisfactory bond for the faithful discharge of his duties as such.

Selection of president, vice-president, secretary and treasurer.

§ 13. The board of directors of said company may make all rules, regulations and by-laws for the management of their affairs that they may deem expedient, not inconsistent with the Constitution and laws of the State of Kentucky or of the United States.

By-laws, rules, &c.

§ 14. The private property of the stockholders shall be exempt from liability for the corporate debts.

Exemption of private property.

§ 15. The principal place of business of said company shall be in the city of Paducah, in the State of Kentucky ; but the company may transact business at such other places in Kentucky, or elsewhere as the board of directors may appoint and designate.

Place of business

§ 16. This act shall take effect from and after its passage.

Approved April 5, 1888.

CHAPTER 846.

AN ACT to provide for the punishment of petit larceny in Hickman county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That any person guilty of petit larceny shall, if convicted, be punished by the administering to him

by the sheriff of not less than ten nor more than forty-nine lashes, well laid on, or by hard labor, as now provided by law, either the one or the other, at the discretion of the jury trying same.

§ 2. This act shall apply to Hickman county alone.

§ 3. That this act take effect from and after its passage.

Approved April 5, 1888.

CHAPTER 848.

AN ACT to establish an additional voting place in district No. 2, in Carlisle county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an additional voting place be, and the same is hereby, created and established at the old Breaks voting place, in the second magisterial district of Carlisle county, Kentucky.

§ 2. That at all elections the voters in the said district may vote at the voting place now fixed, or at the voting place fixed by this act, and the said votes shall be legal and valid.

§ 3. That this act shall be in force from its passage.

Approved April 5, 1888.

CHAPTER 849.

AN ACT to declare Conolaway creek, in Grayson county, a navigable stream.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Conolaway creek, in Grayson county, shall be declared a navigable stream from its mouth to William Downs' farm, on said stream.

§ 2. That parties or persons floating saw-logs out of said stream shall be liable to the land-holders on said

stream for all damages done to water-gates or fences, or other property or lands, caused by their business while floating saw-logs out of said stream.

§ 3. This act shall take effect and be in force from and after its passage.

Approved April 5, 1888.

CHAPTER 850.

AN ACT to amend an act, entitled "An act to incorporate the Kentucky Investment Company," approved March 16th, 1888.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section three of the act, entitled "An act to incorporate the Kentucky Investment Company" be amended so that the capital stock of said company shall be divided into shares of one hundred dollars each, instead of one thousand dollars.

§ 2. This act shall take affect from and after its passage.

Approved April 5, 1888.

CHAPTER 851.

AN ACT to incorporate the Bracken County Building and Saving Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Bracken County Building and Saving Association, organized in the city of Augusta, Kentucky, which is its principal place of business, by the adoption of a constitution and by-laws, and the election of N. J. Stroube, J. P. Reese, A. J. Ritter, John Byar, P. B. Powers, R. P. Hamilton, and L. P. Knoedler as a board of directors, S. W. McKibben president, M. W. Steen vice-president, Ben. Harbeson

Corporators, and
officers.

treasurer, and George Doniphan secretary, pursuant to the provisions of their constitution, be, and the same is hereby, incorporated and created a body-corporate and politic; and by the name of the Bracken County Building and Saving Association shall have perpetual succession, and be capable of suing and being sued, pleading and being impleaded, in all the courts of this Commonwealth; of contracting and being contracted with; of having a common seal, and the same to make, break and alter at pleasure; and of acquiring and holding real and personal estate by purchase, gift, devise, or otherwise, and the same to sell, mortgage or dispose of at pleasure.

§ 2. Said association shall have power to make a constitution and by-laws, and to ordain such rules and regulations as may seem proper and necessary for the management of said association, and to alter or amend them at pleasure, but not to be contrary to the Constitution and laws of Kentucky or to this charter; and the constitution and by-laws which have been adopted by said association shall remain the same until they shall be altered by the association.

§ 3. The fiscal, prudential and financial affairs of said association shall be conducted by a board of seven directors, all of whom shall be stockholders in said association. The seven persons named in the first section of this act as a board of directors, shall constitute said board of directors; and those persons named as president, vice-president, secretary and treasurer in said section, and such persons as may be elected by said directors to fill any vacancy occurring in the said board or officers, shall continue in office until the annual meeting, which shall be first held on the last Saturday in December, 1888, at which time a new board of directors shall be elected; and immediately thereafter, at the same meeting, the new board of directors shall elect a president, vice-president, secretary and treasurer, who shall be selected from the stockholders of the association, and not members of the board of di-

rectors ; and an election shall be held in like manner at the annual meeting of the stockholders, which shall take place on the last Saturday in December in every successive year during the existence of this association. The board of directors shall be the executive officers of this association, and shall have power to fill all vacancies in the said board or among the officers ; and they may appoint and employ such other officers and agents as said board may at any time deem best. The president, and in his absence the vice-president, shall preside at all meetings of the board of directors, and in case of a tie shall cast the casting vote. The vice-president shall have no power to act as president except in the absence of the president.

Elections—how held.

§ 4. All elections shall be by ballot, and in all elections of the board of directors, and all business transactions of this association, each stockholders shall be entitled to one vote, irrespective of the number of shares which may be owned by the stockholder.

Officers' bonds.

§ 5. Before entering upon their respective offices the secretary and treasurer shall each give bond to the association, with personal security, to be approved by the board of directors, conditioned that he shall well and truly discharge the duties of the office to which he is elected, and that he will safely keep and pay over to the association and its members all money and other property which may come to his hands as secretary or treasurer, when lawfully required so to do.

Powers of the association.

§ 6. Said association shall have power to assess and collect, at such times and upon such terms as they may deem expedient, any contributions, dues and fines upon its members, as they may deem necessary and proper to carry out the objects of this association. The number of shares of stock shall not exceed five thousand shares of one hundred dollars each. The sale of stock may be concluded when two thousand shares shall have been subscribed ; but the board of directors shall have power, from time to time, to open

the books and receive additional subscriptions of stock; but the number of shares of stock in said association shall not, at any time, exceed five thousand shares.

§ 7. The object of this association shall be to afford Object of the association. to its members a safe depository for their weekly earnings, and a safe investment for their savings; to loan its accumulated funds and weekly deposits to its members; to afford relief to its members, by advancements or otherwise, in building and securing homes and houses: *Provided*, That all loans or investments of the association shall be based upon the first lien or real estate located in Bracken county, Kentucky.

§ 8. No authority or privilege is hereby conferred Rate of interest. on this association to loan money at a higher rate of interest than six per cent. per annum; and the fines which may be assessed against any of its members for failure in the prompt payment of dues and assessments shall only be for such moderate amounts as shall be calculated and intended to secure promptness in payments and a just and equitable charge upon delinquents, but not to an amount which shall violate the spirit of the usury laws of this Commonwealth; and all such fines shall be appropriated toward the payment of the current expenses of the association.

§ 9. In addition to the mortgage or other lien or Security for loans security which may be given by a stockholder to secure any loan which may be made, or any indebtedness which may be created, a first lien is given to the association upon the interest and stock of such shareholder in said association to secure the association in said loan or indebtedness.

§ 10. This act shall take effect from and after its passage.

Approved April 5, 1888.

CHAPTER 852.

AN ACT to incorporate the Standard Coal Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That W. H. Thomas, Edward Fulton, James M. Fetter, N. Sid. Platt, J. C. Fawcett, J. D. Powers and J. G. Gathright, their associates, successors and assigns, be, and they are hereby, constituted a body-corporate and politic, by the name and style of the Standard Coal Company ; and by that name shall have perpetual succession, may sue and be sued, contract and be contracted with, make, have and use a common seal, and may alter or renew the same at pleasure ; may purchase, hold, lease, sell and convey all such real and personal property as may be necessary and requisite to carry out its legitimate purposes and objects of its creation.

§ 2. The capital stock of said corporation shall not exceed two hundred thousand dollars, divided into shares of one hundred dollars each.

§ 3. The corporators named, or any three of them, may open books for and receive subscriptions to the capital stock, at such times and in such places as may suit their convenience ; and when one hundred shares of stock shall have been subscribed, the subscribers shall meet at such place as may be designated and elect five directors from amongst the stockholders, and who shall serve for one year, and until their successors shall be duly elected and qualified.

§ 4. The annual meetings of the stockholders for the election of directors and other business shall be held at such time and place as may be designated in the by-laws. At all meetings of the stockholders, each stockholder shall be entitled to one vote for each share of stock represented or held by him. Absent stockholders may be represented by written proxy at all stockholders' meetings.

§ 5. The board of directors shall elect the president, vice-president, secretary and treasurer, and may provide for the election or appointment of such other officers, agents and employes as may be necessary for the proper conduct of the business of the company; and may fix the salary or compensation of each, and provide rules for the government of all the officers and employes of the corporation, and take bond from any of them, with security, for the proper performance of their duties. The directors shall provide in the by-laws for the regular meetings of the board, and for the general conduct of its business. Any vacancy occurring in the board may be filled by the board until the next regular meeting of the stockholders.

Election of president and other officers.

§ 6. Said corporation shall have power to mine coal and other minerals, quarry stone, cut, saw and manufacture timber and lumber, transport to market and sell the same, and for this purpose may erect such buildings, stores, warehouses and factories, construct, maintain and operate such tramways, switches, side-tracks and other appliances as may be necessary for the proper conduct of its business; may sell, lease or mortgage any or all the property of the company: *Provided*, That no sale, lease or mortgage shall be binding upon the stockholders until ratified by a majority of all the stockholders at some regular meeting, or meeting called for that special purpose.

Nature of business.

§ 7. That the board of directors may issue the bonds of the company to an amount not exceeding the paid-up stock, in denominations of not less than one hundred dollars nor more than one thousand dollars, and bearing any rate of interest stipulated, not greater than six per centum, and payable semi-annually. Said bonds shall be due and payable in twenty years from their date, and may have interest coupons attached, and shall be signed by the president and secretary. The secretary only may sign the coupons.

Issue of bonds.

§ 8. The principal place of business of said corporation shall be in the city of Louisville, Kentucky; but

Place of business.

the board of directors may establish offices, warehouses, factories, stores or buildings at such places, either in this Commonwealth or elsewhere, as they deem for the best interest of the company.

§ 9. This act shall take effect from its passage.

Approved April 5, 1888.

CHAPTER 853.

AN ACT to amend an act, entitled "An act to establish a public school in the Caseyville district, in Union county," approved February 11, 1882.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 1 of an act, entitled "An act to establish a public school in the Caseyville district, in Union county," approved February 11, 1882, be so amended as that the upper line of said district shall run from the point on the Ohio river, where the Ohio Valley Railroad's incline track touches the river, across to Duffy's Branch, and thence as now laid off.

§ 2. That section 3 of said act be so amended as to allow the trustees to meet and organize as therein directed, at any time they may think best.

Regarding
trustees' meet-
ing.

§ 3. That section 5 of said act be amended by striking out of the thirty-first line thereof the words "entitled to vote," and inserting after the word "those," in said line, the word "voting" in lieu of the words stricken.

§ 4. That section 17 of said act be so amended as to give to the board of trustees the right to borrow the money necessary to erect or purchase the necessary school buildings for said district, and execute the notes or bonds of said district therefor, bearing any rate of interest per annum not exceeding eight per cent.; and for such debt or debts the taxable property of the district shall be bound; and until the

Right to borrow
money.

school buildings purchased or erected, and all debts created on account thereof, shall have been fully paid, it shall be discretionary with said board of trustees whether any fund shall be raised by taxation to pay the salaries of teachers; but the board may rent out the school buildings to suitable school teachers for school purposes, making with such teachers such arrangements as will insure to the children in said district, within the common school age, all the advantages of said institution; and in such case said trustees shall have the right to the public school money of said district, as provided in section 22 of said act.

§ 5. That section 26 of said act be amended by inserting the names of W. E. Sprague, James H. Dyer, John W. Nelson, Isaac Smith, and Philip Acker, as trustees, in lieu of those named in said section. Change of trustees.

§ 6. This act shall take effect from its passage.

Approved April 5, 1888.

CHAPTER 855. .

AN ACT to amend an act incorporating the town of Elkton, Todd county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the corporate limits of the town of Elkton, in Todd county, be, and the same are hereby, enlarged and extended as follows: Beginning at the residence of J. M. Gill, in the south boundary line of the limits of said town; thence on a direct line to and including the residence of Dr. E. P. Russell; thence on a direct line to and including the house and lot of Mrs. M. E. Bailey, wife of T. B. Bailey; thence on a direct line to the south-west corner of the Bankfield addition of the town of Elkton, at lot No. 1, in range (C); thence with the western boundary of said Bankfield addition to lot No. 1 therein, in range (A),

corner of Garth's lane ; thence from the corner of Garth's lane and said lot No. 1, in range A, due north-east, to a stake in the south-west boundary of the present limits of said town.

§ 2. That all taxable property of every kind within said limits shall be taxed by the trustees of said town as heretofore taxed under existing laws in force at present: *Provided*, That all farms and all parts of farms, and all lands which are cultivated or used for agricultural purposes alone, and are not laid off into town lots, are hereby exempt from taxation by the trustees of said town.

§ 3. This act shall take effect from and after its passage.

Approved April 5, 1888.

CHAPTER 856.

AN ACT to incorporate the Uniontown Building and Loan Association

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Names of incorporators and corporate powers.

§ 1. That J. W. Jenkins, Gip Chapman, C. J. Mattingly, Frank Millet, H. Wilkin, J. C. Hamilton, W. L. Hardig, of the town of Uniontown, their associates and successors, are hereby constituted a body-politic and corporate, by the name and style of the Uniontown Building and Loan Association ; and by that name shall have perpetual succession ; may contract and be contracted with ; may sue and be sued ; may have, alter or dispense with at pleasure a common seal, and may acquire, by purchase or otherwise, improve and hold real estate and personal property, and transfer, mortgage, sell, dispose of and convey the same ; loan and invest surplus funds ; possess the same in all these respects as natural persons ; may enact and enforce by-laws, rules and regulations, concerning

the business of the corporation : *Provided*, Such rules and by-laws are not inconsistent with the Constitution and laws of the State of Kentucky or of the United States.

§ 2. The general nature of the business of this corporation shall be to acquire real and personal property by purchase, gift, devise or any other way, and to sell, convey and dispose of the same by sale, mortgage or otherwise ; to loan and invest any surplus funds of the said corporation ; to erect buildings for residences or other purpose, on account of this corporation or other persons with whom it may contract from time to time. Nature of business.

§ 3. The principal place of business of this corporation shall be in the town of Uniontown, Union county, Kentucky, and the amount of its capital stock shall be one hundred thousand dollars, to be divided into one thousand shares of one hundred dollars each, to be subscribed and paid for as follows : Two per cent. on the first call, and one per cent. every thirty days thereafter ; but subscribers to the capital stock may pay for same in larger amounts and at earlier periods than those above named, if they desire to do so. Place of business

§ 4. The affairs of the corporation shall be controlled by a board of five directors, to be elected annually from among and by the stockholders, the first election to be held on the second Monday in July, 1888. The incorporators herein named in the first section of this act shall constitute the board of directors of this corporation until the first election of a board of directors by the stockholders as herein provided for. Board of directors to manage its affairs.

§ 5. The directors shall elect a president, vice-president, secretary, treasurer and managing committee, who shall conduct the business of the corporation, and employ and appoint, salary such officers and other agents for said association as they see fit ; not more than one of these offices may be filled by the same person, if the board of directors shall so order. Election of officers.

§ 6. Said association may commence business as soon as ten thousand dollars of the capital stock is subscribed, and the first call on said subscription actually paid up.

§ 7. The highest amount of indebtedness to which this corporation shall at any time subject itself shall not exceed the paid-up capital stock.

§ 8. The directors shall, at least once in every three months, make investigation of its affairs, and at least once in each year make an official report to the stockholders at the meeting held for the election of directors. They may also, at such times as the business will admit of it, declare dividends upon the paid up capital stock of the association or corporation.

§ 9. The private property of the stockholders of the corporation shall be exempt from the debts of the corporation ; and said corporation continue for the period of twenty-five years.

§ 10. This act to take effect and be in force from and after its passage.

Approved April 5, 1888.

CHAPTER 857.

AN ACT to incorporate the Willow Church Turnpike Road Company, in Bracken and Pendleton counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That a company is hereby created a body-politic and corporate, under the name and style of the "Willow Church Turnpike Road Company," for the purpose of constructing a macadamized turnpike road from the town of Powersville, in Bracken county ; then a south-westwardly course, by the most practical route, past Willow Church, to intersect the Falmouth and Milford Turnpike Road at a point known as Bachelor's Rest, in Pendleton county.

§ 2. The capital stock of said company shall be Capital stock. twelve thousand dollars, divided in shares of fifty dollars each.

§ 3. The following commissioners, or such of them Names of commissioners to open subscription books. as will act, shall be authorized to take subscriptions to stock of said company, viz: John W. Galloway, Abner Holton, Bowman R. Ross, Wm. I. Hannah, Mike Flannery, Jr., Buck McGarty, and George Snyder, who may open books at such times and places as they or any two of them may think proper, until all the stock, or so much thereof as may be necessary to construct said road, be taken.

§ 4. The commissioners shall procure books, in Manner of subscribing stock. which the stockholders shall enter the following obligations to wit: We, whose names are hereunto subscribed, promise to pay to the president and directors of the Willow Church Turnpike Road Company the sum of fifty dollars for each and every share of stock set opposite our names, in such proportions, and at such times and places, as the president and directors may require: *Provided*, The calls shall be thirty days apart, and that interest is to be paid on the calls, if not paid within thirty days after the calls are made, at the rate of six per cent. per annum until paid.

§ 5. That the stockholders shall be entitled to one Vote of stockholders. vote for every share of stock held by them; and when any stockholder desires he may vote by proxy, in writing, at any election of directors.

§ 6. That a president and five directors shall be Election of officers. elected by the stock at a public meeting to be held at the Willow Church, at such time as said commissioners, or a majority of them, may deem proper; notice of the time of said election to be given by posting up notices at three or more public places along the route of said proposed road for ten days previous to the election.

§ 7. That the president and three directors may call Meetings of stockholders. a meeting of the stockholders or of the directors at any time they may desire or deem it necessary. The

president and three directors shall constitute a quorum to do business, and as soon as fifteen hundred dollars of stock is subscribed, and the company may commence and proceed with the construction of said road.

*Corporate powers.

§ 8. The board of directors may appoint such officers as they may deem necessary to conduct the business of the company; may have power to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, contract and be contracted with, and may make such by-laws as they may deem necessary which do not conflict with the laws of this State or the United States.

Location and grade of road.

§ 9. The president and directors shall have power to fix the grade, locate, build and establish said road between the points designated, and may acquire by purchase, gift, relinquishment, writ of *ad quod damnum*, deed or otherwise, the right of way for the ground for the road upon the most eligible route between said points; also ground for toll-houses, not exceeding one acre for each toll-house, and such timber, rock quarries, etc., as may be necessary for the completion of the road and keeping the same in repair, paying a reasonable compensation therefor; the road to be forty feet wide, and the part of it graded and prepared for the stone to be twenty-four feet, and the rock not less than sixteen feet wide and twelve inches deep.

*County subscription.

§ 10. The county of Bracken may hold stock in said company under an act allowing her to pay one thousand dollars per mile to turnpike roads, upon the same conditions and with the same right as other stockholders, except that the payment shall be under the provisions of an order of the Bracken county court under said act, and the county of Pendleton may hold stock in said company on the same conditions as other stockholders under the provisions of an act of the General Assembly allowing said county to subscribe to the stock of turnpike roads.

§ 11. That the president and directors shall their Term of office of president and directors. office for the term of twelve months, and until their successors are elected, excepting the ones first elected; and after the first election they shall be elected on the first Saturday in May in each year, at such place and between such hours as the board of directors shall appoint. The clerk of the board of directors shall procure a well-bound record-book, in which shall be kept a complete record of all the proceedings of said board, a fair and just account of all money which shall be received by them, and all money paid out by them in the prosecution of said work; and all costs and expenses of said road shall be paid and the aggregate amount shall be recorded in the books of said company.

§ 12. The board of directors shall, in their discre- Toll-gates. tion, have the authority to erect a toll-gate or gates at such places as they may see proper, and employ gate-keepers, take bond from them, fix their salaries; and they shall collect toll from persons traveling on or using said road, the rates to be the same authorized by law on other turnpike roads in said county.

§ 13. The stock shall be transferable, provided the Transfer of stock same shall have been fully paid.

§ 14. That if any of the stockholders in said road Failure to pay stock. shall fail or refuse to pay the stock subscribed, or the calls for same when due, they shall be liable to a suit to enforce the collection of the same in any court having jurisdiction.

§ 15. The said corporation shall have full power to do all other acts and things that are necessary to be done to locate, establish and complete said turnpike road.

§ 16. This act shall take effect from its passage.

Approved April 5, 1888.

CHAPTER 858.

AN ACT to incorporate the Deposit Bank of Monroe county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Incorporation
and capital stock

§ 1. There is hereby established a bank in the town of Tompkinsville, in Monroe county, Kentucky, to be styled the "Deposit Bank of Monroe County," with a capital stock of thirty thousand dollars, in shares of one hundred dollars each par value, which may, by the consent of the owners of a majority of the shares of stock aforesaid, be increased to fifty thousand dollars, in shares of one hundred dollars each, to be subscribed and paid for as hereinafter specified; and the subscribers, their associates, successors and assigns, shall be a body-politic and corporate, by the name and style of the "Deposit Bank of Monroe County," and may so continue for thirty years from its organization; but the board of directors of said bank are authorized and empowered to wind up its affairs whenever the owners of two-thirds of the stock determine that the interest of the company requires its discontinuance; and to effect this the board shall have all powers necessary to wind up and liquidate the affairs of said bank upon equitable principles.

Corporate powers.

§ 2. Said corporation shall have all the privileges of a natural person in contracting and being contracted with, in suing and being sued, by the name aforesaid, in all places and courts whatsoever; and may have and use a common seal, and change the same at pleasure.

Names of directors
and powers.

§ 3. The said bank shall be under the control of the following named persons as directors, viz: H. K. Bedford, W. H. Botts, Turner Nelson, W. L. Porter, James H. Bevell, and W. A. Scott, who shall hold their offices until the second Tuesday in January, 1889, and until their successors are elected and qualified. Each director hereinafter elected shall be a

stockholder and a majority of the directors shall at all times be residents of Monroe or Barren counties ; and after the first election, which shall be held on second Tuesday in January, 1889, they shall be chosen on second Tuesday in January of each year, or if not on that day, from any cause, then as soon thereafter as convenient, and shall hold their offices for one year, or until their successors are elected and qualified. They shall appoint one of their number president, and may if they desire, and think best and necessary, at any time, appoint also from their number a vice-president, who shall hold his position at the pleasure of the board of directors. The board shall hold regular meetings at such times as they may fix upon, and such called meetings as they may deem necessary. In case of the death, resignation or removal of any director or officer, the vacancy shall be filled by the board of directors. The board shall have power to receive subscriptions for as many of the shares of the capital stock remaining unsold, or increased as aforesaid and unsold, as said board may at any time decide to sell ; shall declare dividends, appoint such officers, agents, or servants as they think necessary to conduct the business of the bank, and pay them such wages or salaries for their services, and take from them such bonds to secure the faithful performance of their duties, as they may think proper ; shall prescribe such rules as they may think best for the transfer of the stock on the books of the bank, by the stockholders or by an attorney ; the stock shall be personal property. The number of directors to be elected in January, 1889, and each year thereafter, shall be not less than five nor more than nine, the number to be hereafter determined by a vote of the stockholders.

§ 4. H. K. Bedford, W. H. Botts, Turner Nelson, W. L. Porter, James H. Bevell and W. A. Scott, are hereby appointed commissioners, any three of whom may act, and may open books of subscription to the

Names of commissioners to open books for subscriptions.

capital stock of the corporation as soon as shares to the amount of twenty thousand dollars have been already subscribed; said commissioners shall transfer said subscriptions to said books to be opened by them, and shall give notice thereof in one or more newspapers, and shall in said books enter the names of the subscribers and the amount of stock subscribed for by each of them. The payment for the shares subscribed shall be made in such installments, or at such times, as the board of directors may order, and when ten thousand dollars shall have been paid in, the bank may begin business.

Deposits.

§ 5. The bank may receive deposits of gold, silver, bullion, currency, or any thing lawfully circulating as money, and repay the same in such manner, at such times, and with such interest, not to exceed the rate fixed by law, as may be agreed upon with the depositors by special or general contract. It may borrow or lend money, buy or sell checks, drafts, bills of exchange, promissory notes, uncurrent money, bonds, stocks, mortgages and other evidences of debt, and do a general banking business; may take personal or other securities for the payment of obligations, and dispose of the latter in accordance with the provisions of an act, entitled "An act for the benefit of the incorporated banks of Kentucky, approved March 16, 1871," and such disposition shall pass a valid title to the same; may receive deposits from minors and married women, and their checks, receipts or acquittances shall be valid. All promissory notes and bills made negotiable and payable at the banking-house of said corporation, or at any other banking-house, may be discounted by it, and they are hereby placed upon the footing of foreign bills of exchange, and like remedy as upon such bills may be had thereon, jointly or severally, against the drawers, acceptors and indorsers thereof.

May hold real
state.

§ 6. The bank may acquire, hold and use all such real estate, goods and chattels, as may be necessary for

the transaction of its business, or which may be conveyed to it as security or in satisfaction of any debt, judgment or decree, but shall sell and convey the latter within five years. The board of directors may make all needful by-laws for the government of said bank not inconsistent with law.

§ 7. The private property of stockholders shall not be liable for the debts of the corporation. The indebtedness of the bank other than for the general deposits shall at no time exceed the amount of its paid-up capital. Exemption of private property.

§ 8. Before entering upon their duties, the president, directors and other officers of the bank shall take an oath before some justice of the peace, notary public or police judge, to faithfully and honestly discharge all the duties imposed upon them under this charter, and that they will not sanction or permit any violation of it, and should any occur, will at once report the same to the Attorney-General of this Commonwealth. Oath of officers

§ 9. Nothing in this charter shall be construed to allow the bank to issue any note or bill to pass or circulate as money. Shall not issue currency.

§ 10. The officers, agents, or servants of said bank, appointed by the board of directors thereof, shall hold their offices at the pleasure of said board, and may be removed therefrom by said board at any time, with or without cause. Terms of office.

§ 11. All elections provided for by this charter shall be held at the banking-house of said corporation in such manner and by such officers as may be determined upon by the board of directors, and the result of such election shall be declared in the manner and by the persons selected by said board. Place of elections.

§ 12. The General Assembly shall have the right to examine the affairs of the bank by any committee, officer or agent appointed for that purpose, and reserves the right to alter, amend or repeal this charter at pleasure. General Assembly may examine its affairs.

§ 13. This act shall take effect and be in force from and after its passage.

Approved April 5, 1888.

CHAPTER 859.

AN ACT to amend section 2, chapter 419, Session Acts 1873, entitled "An act to incorporate the Ashland and Catlettsburg Street Railway and Transfer Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 2, chapter 419, Session Acts of the year 1873, incorporating the Ashland and Catlettsburg Street Railway and Transfer Company, be so amended as to strike out the words "fifty thousand dollars," and inserting therefor the words twenty-five thousand dollars.

§ 2. That this act shall take effect from its passage.

Approved April 5, 1888.

CHAPTER 860.

AN ACT to amend an act to incorporate the Citizens' Bank at Paducah, approved February 24, 1888.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act, entitled "An act incorporating the Citizens' Bank at Paducah" be, and the same is hereby, amended by inserting in the title thereof the word "Savings" after the word "Citizens'," making the title read Citizens' Savings Bank instead of Citizens' Bank.

§ 2. That this act shall take effect from and after its passage.

Approved April 5, 1888.

CHAPTER 861.

AN ACT to provide for a registration of voters of the city of Covington.

Officers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the county judge of Kenton county, the sheriff of said county, and the clerk of the Kenton county court, shall constitute a board, which shall, between the first and fifteenth days of June in each year, appoint four sober and discreet citizens, in each election precinct of the city of Covington, two to act as judges of registration, one as clerk of registration, and one as sheriff of registration, in the precincts for which they are appointed. No person shall be eligible as judge, clerk or sheriff who is not a voter in the precinct for which he is appointed and a housekeeper, and when there are two or more distinct political parties, said officers of registration shall be so selected as that one of the judges of each precinct shall be of one political party, and the other of the opposing political party, the clerk to be selected from the third political party (provided that there should be more than two distinct political parties at the time of registration); they shall serve for one year from the time of their appointment, and each officer of registration, before entering upon the discharge of his duties, shall take the oath prescribed by section 1, article 8, of the Constitution, and shall, during the period of his term of service, be excused from jury duty.

§ 2. The sheriff of the county shall, at least seven days before the general registration in each year, as provided for in this act, give each officer of registration written notice of his appointment. Should the court, sheriff or clerk fail to appoint, or should all the officers appointed fail to attend at the place of

registration for two hours after the time for commencing the registration, or refuse to act, then the sheriff, judge or clerk, or either of them that can be found in the county, shall appoint officers to act in their stead for that registration; but should two officers be in attendance, they may fill vacancies for the purpose of conducting that registration, and may administer the necessary oaths of office.

§ 3. Officers of registration shall have the same power to preserve order at the places of registration as is exercised by officers of election at the polls. If the officers of registration entertain any doubt as to whether or not any person offering for registration is entitled to such registration, or if any one's right to register is challenged, citizens may be called in, not exceeding three in number, who shall be examined touching the qualifications of such person or persons who offer to register.

Forms.

§ 4. It shall be the duty of the county clerk of Kenton county to prepare the proper forms, and cause to be printed two registration books for each precinct in the city of Covington, and one of which shall be kept in his office, to be used as provided in section 9 of this act, and the other furnished to the clerks of registration and election, before each registration or election day, as hereinafter provided. Said books shall be so arranged as that the names of voters may be registered alphabetically, and shall be ruled and headed as follows: Name, residence, color, August election, October election, November election, special election, remarks.

General Registration.

§ 5. The officers of registration shall attend at the voting places of their respective precincts on the first Monday in July in each year, and on the next succeeding day, from the hours of nine in the morning

until nine in the evening, and shall record in the registration book, which shall be furnished by the clerk of the county court to each registration clerk, a list of such qualified voters of the precinct as apply for registration. If either of said days fall upon the fourth day of the month, then said fourth day shall be omitted as a day of registration, and the registration shall proceed on the next succeeding day as if said fourth day had not intervened. Said list of voters shall be in alphabetical order, and shall show the name of the person registered, the name of the street or alley, and the number of the house, lodging or tenement, in which he lives, and whether he be white or colored; and if said house, lodging or tenement be not numbered, the location thereof shall be described in the registration book as accurately as is practicable, giving the street and between what streets. No person shall be registered who does not personally appear before the officers of registration, and if he be not personally known to one of the officers, or if any by-stander shall demand it, he shall be sworn by one of the officers and interrogated by him, or by such by-stander, touching his qualifications as provided in this act. Opposite the name of each person so sworn the clerk shall write the word "sworn," which entry shall be (*prima facie*) evidence of such swearing in any prosecution under this act. Said registration in July shall be known as the general registration, and any person then registered may vote at all elections until the next general registration, unless he becomes disqualified after registration.

Qualifications.

§ 6. Every person shall be entitled to be registered who would be entitled to vote at the next succeeding August election; that is to say, every male citizen who, on that day, would have attained the age of twenty-one years, and shall have resided in the State two years, or in the county of Kenton one year, and

in the precinct sixty days. No person shall be registered who does not personally appear before the officers of registration; and if he be not personally known to one of the officers, or if any by-stander shall demand it, he shall be sworn by one of the officers and interrogated by him, or by such by-stander, touching his qualifications as provided in this section.

Aliens.

§ 7. Any alien possessing all qualifications of a voter named in section 6 of this act, except citizenship, shall be entitled to be registered, but the clerk shall write opposite to his name, in the column headed "remarks," the words "not naturalized," and such alien shall not be entitled to vote at any election held under that registration, unless he shall produce to the officers of election his naturalization in due form of law.

Mode of Registration.

§ 8. In making the registration the clerk shall act as the recording officer, and the judge shall decide all questions relating to the qualifications of persons offering to be registered, except that in case of a difference of opinion between the judges the clerk shall have the casting vote. It shall be the duty of the clerk to number consecutively the names recorded under each letter of the alphabet as they are taken down, and at the close of the registration he shall sign his name as clerk after the last name recorded under each letter as aforesaid, in such manner as that no more names can be recorded above his, and shall foot up and certify in the back of the registration book the whole number of names recorded at that registration, and this certificate shall be signed by all the officers of registration before leaving the place of registration, and in the presence of by-standers, and any two of whom may, if they desire, sign their names as witnesses thereto. In addition to the requirements above, the clerk shall sign his name as such clerk at the foot of each page.

Return and Custody of Books.

§ 9. On the day following the close of the registration the clerk shall deliver the registration book into the hands of the clerk of the county court or any one of his deputies, and shall take his receipt therefor. It shall be the duty of said county clerk to keep said books safely in his office, and not to suffer the same to be taken therefrom, except as provided in this act; he shall also cause to be made one copy of each registration book in the blank book retained by him as provided in section 4 of this act, which shall be kept in his office, and not to be taken therefrom for any purpose. In case of loss of any registration book, a copy shall be made by the county clerk from the copy retained in his office, which copy shall be used in registration and elections with the same effect as the original. The clerk shall permit any citizen, at any time, to copy any registration book without fee or charge; and he shall also furnish copies at the same rate as provided in section 20 of this act for copying the book kept in his office. Copies furnished citizens under this section shall be paid for in cash by the person ordering them.

Special Registration.

§ 10. On Tuesday after the first Monday in September, 1888, and on the same day in every year thereafter, there shall be a registration of those persons whose names were not registered at the previous July registration, and who, but for this act, would be entitled to vote for such person or persons as were candidates at the ensuing election. On the second Monday in October, 1888, and every second year thereafter, there shall be a registration of those persons whose names were not registered at the previous September registration, and who, but for this act, would be entitled to vote at the ensuing municipal election. When by virtue of any future act of the Legislature, or of any proclamation or writ of election issued under ex-

isting laws, an election is ordered for any other than one of the days already herein provided for, at which a vote is to be taken in the city of Covington, it shall be the duty of the sheriff of Kenton county to fix a day for the registration of those entitled to vote at such election whose names are not already on the registration books for that year, and to publish notice of such day as a part of his notice of the election; and where, by virtue of the city charter or any special law, an election or vote is ordered to be held or taken in the city of Covington at any other time than one of the days aforesaid. Then the council or other body or person so ordering said election or vote shall, at the same time, fix a day for the registration of those persons entitled to vote thereat, whose names have not been recorded on the registration books for that year, and shall require the same to be published, in like manner as the time and place of said election or vote are required by law to be published. Registrations under this section shall be known as special registrations, and any persons so registered shall be entitled to vote at all elections held prior to the next general registration. Registrations prior to special elections shall be held not less than ten days prior to the election.

§ 11. On the day prior to each registration, provided in the previous section, the county clerk shall deliver to the registration clerks the registration books for their several precincts; and on the day of such registration the registration officers shall attend at their several places of registration, and shall register the names of all persons appearing before them who may be entitled to vote at the election for which the registration is held, and whose names are not already on the registry for that year. The names shall be recorded immediately following the names recorded at the previous registration; and the registration shall be conducted and the books returned as hereinbefore provided. Immediately after the books are so returned,

the county clerk shall cause the names recorded at that election to be copied into the book retained in his office as provided in section 9 of this act.

Removals.

§ 12. Any person removing from one precinct to another, after having been registered for that year, may apply to the clerk of registration of the precinct from which he removes, on a registration day, and have his name canceled off by writing opposite to it the word "removed," and thereupon said clerk shall give him a certificate in the following form: "This is to certify that — has removed from the — precinct, of ward —, to precinct — of ward —, and that his registration has been canceled. (Signed), —, clerk." Upon presenting said certificate to the officers of registration of the precinct to which he has removed, he shall be entitled to be there registered, if he possesses the other qualifications named in section 6 of this act; and no person so removing, after being registered, shall be registered in another precinct without the production of such a certificate.

Striking off Names.

§ 13. Any voter may, by giving five days' notice in writing to any person whose name has been registered, move the county court to strike his name from the register, and both parties may introduce witnesses, not exceeding three in number on each side; said notice must be served personally. If, at the hearing, the court shall be of the opinion that the person registered is not lawfully entitled to register, it shall direct the clerk to strike his name from the register by inserting opposite to it the words, "Stricken off by order of the county court. —, clerk." If the person upon whom notice is attempted to be served can not be found, the clerk shall write opposite such name on the registration book the word "doubtful;" and when at an election such person whose name is marked

doubtful shall offer to vote, he shall be sworn and his right to vote be investigated fully.

§ 14. On the Saturday previous to the first Monday in August, 1888, and on the judicial day previous to every election to be held or vote of the people to be taken thereafter in the city of Covington, the clerk of the county court shall deliver to the clerks of election the registration books for their several precincts, together with the poll-books, which said registration and poll-books shall be produced by said clerks at their several precincts when the polls are opened on the day of election. At said election no vote shall be received unless the name of the person offering to vote is on the registry provided in this act, or unless he produce, before the officers of election, his written affidavit stating that he was necessarily absent from the city, or that he was ill and unable to attend, or that some named member of his family was so ill as to require his constant attention, such absence or illness covering the period allowed for registration, and stating facts showing him to be a qualified voter of the precinct, and also the facts in reference to his residence required to be entered on the register, and also prove by written affidavit of a registered voter of the precinct, who is a householder, that he knows such person to be a qualified voter, and stating the facts in reference to such person's place of residence required to be entered on the register. Said affidavits shall be returned by the officers of the election to the county clerk, indorsed as follows: "Filed before us this — day of —, 18—. —judges;" and shall be kept on file by the county clerk. Any vote received by the officers of election in contravention of this act shall be void, and shall be rejected from the count. The officers of election shall, when a vote is cast, mark opposite to the name of the person voting, in the column of the registration book provided for that election, the word "voted;" and at the close of the election, and before closing or

leaving the voting place, shall mark opposite the name of each person who has not voted at that election the words "not voted." The registration book shall be returned to the county clerk by the clerk of the election the day next succeeding the election.

False Registration.

§ 15. Any person who shall cause himself to be registered in more than one election precinct otherwise than is provided in section 12 of this act, or more than once in the same precinct, or who shall cause himself to be registered knowing that he is not lawfully entitled to registration, and any person who shall aid or abet in the commission of any of said acts, shall be deemed guilty of a misdemeanor, and shall be imprisoned in the county jail not less than one nor more than twelve months.

False Registration Books.

§ 16. Any officer of registration or other person, who shall unlawfully alter any registration book, or add any names thereto, or shall willfully secrete, suppress or destroy any such book, or who shall make or aid in making any false or fraudulent registration book, shall be deemed guilty of felony, and shall be confined in the penitentiary not less than one nor more than five years, and shall forfeit any office he then holds, and shall forever be disqualified from holding office.

Perjury.

§ 17. Any person who shall willfully make any false statement, under an oath lawfully administered under this act, shall be deemed guilty of false swearing, and confined in the penitentiary not less than one nor more than five years.

Obstructing Registration.

§ 18. Any person who, by himself or in aid of others, shall forcibly break up or attempt to break up

a registration held under this act, or shall forcibly prevent or attempt to prevent any person from approaching or entering a place of registration, shall be fined not less than one hundred nor more than five hundred dollars, or imprisonment not less than six nor more than twelve months in the county jail or both.

§ 19. No witness shall be excused from testifying before any grand jury, or in any prosecution or indictment under this act, on the ground that his testimony may criminate himself; but no such testimony shall be used against him in any prosecution, except for false swearing in giving same.

Fees.

§ 20. For his services under this act the county clerk shall receive the following fees and no other: For copying the registry lists required to be kept in his office, or to be used in supplying lost books, the sum of two cents for each voter whose name is so copied; for his services under section 13 of this act the sum of ten cents for the name of each voter stricken off the lists; for receipting to clerks of registration and election for registration books, the sum of five cents for each book receipted for; the sheriff shall receive for serving the notices provided for in section 2 the sum of thirty cents for each actual service; officers of registration shall receive two dollars and fifty cents per day for each day employed in attending at the places of registration. But clerks of registration and election shall not be entitled to any pay, except upon the production of the county clerk's receipt for their respective registration books, which receipt shall be the voucher of the officer paying them. The city of Covington shall pay all fees and expenses incurred under this act for registration. The sheriff shall have published in one daily paper, published and circulating in the city of Covington, the names of all persons who have been registered at least three days after each registration.

§ 21. A copy of this act shall be printed in each registration book made under its provisions.

§ 22. The eighteen precincts, as now laid off and provided for by law for general elections in the city of Covington, shall continue and remain as now established and laid off, and shall be regarded as precincts, and treated as such in all city, as well as general elections; and in pursuance of the provisions of this act, a registration shall be made of the voters of each of said precincts at the times heretofore named; and at all elections for city officers of said city it shall be the duty of the officers of said city to cause a voting place to be opened in each of said eighteen precincts, and the provisions of this section shall, so far as the requirement of eighteen voting places is concerned, go into effect and be observed at the next county election to be held on the first Monday in August, 1888; and all acts or parts of acts in conflict herewith are hereby repealed.

§ 23. The city council of the city of Covington shall submit this act to the legal voters of the city of Covington, at a special election to be ordered by it in the usual manner, which shall be held in the month of April, 1888. At said election the officers thereof now provided by law shall open a poll at each election precinct, and to each legal voter offering to vote the question shall be propounded, "Do you vote for or against the registration bill?" and his vote shall thereupon be recorded for or against the same as he shall direct. The officers of said election shall make returns of said vote as officers of city elections are now required by law to make returns of city elections; and if a majority of the legal votes cast at said election are for or in favor of said bill, the city council shall so declare, and this act shall take effect from that date; but if a majority of the legal voters shall vote against this bill, the city council shall so declare, and this act shall be of no force or effect.

Approved April 5, 1888.

CHAPTER 862.

AN ACT to amend an act approved March 7, 1876, entitled "An act to amend an act approved the seventh of December, 1850, entitled 'An act to incorporate the Kentucky Agricultural and Mechanical Association at Lexington, and to repeal an act amending the same,'" approved January 30, 1888.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the stockholders of the Kentucky Agricultural and Mechanical Association at Lexington, Kentucky, shall hereafter meet in October of each year instead of February, to receive reports of the business of the year preceding, elect directors, and transact any other business they are competent to transact.

§ 2. The president and vice-president elected by the stockholders last February shall hold office, in pursuance of said election, until next October, when their successors shall be elected as provided by this act.

§ 3. Four of the directors elected at the last February meeting of the stockholders shall hold office, in pursuance of said election, until the stockholders' meeting next October, and no longer; and the remaining six directors elected last February shall hold office until the meeting of the stockholders in October, 1889.

§ 4. Within one month after the passage of this act the board of directors shall determine, by lot, among themselves, the four directors who shall go out in October, 1888, and the six who shall serve until the October meeting in 1889.

§ 5. The stockholders shall, at the October meeting in 1888, elect six directors to serve for two years, and they shall, at every regular October meeting thereafter, elect in the place of the six directors who then go out, six others to serve until the October meeting two years thereafter.

§ 6. Within one week after the election of directors in October, 1888, and within one week after each succeeding election of directors in October of each year thereafter, the board of directors shall choose from their own number a president and vice-president, to serve for one year until their successors are chosen as aforesaid.

§ 7. If a vacancy shall occur in the board of directors from resignation or other cause, the remaining members shall, without unnecessary delay, fill the same until the next regular meeting of the stockholders the following October. In the event of a vacancy from any cause in the office of president or vice-president, the remaining members of the board shall proceed without unnecessary delay to fill the vacancy, first, by electing another member of the board of directors, and then from the entire board of twelve members to choose an incumbent for the vacant office to serve the remainder of his predecessor's term until his successor is duly elected by the stockholders.

§ 8. The president, vice-president and other officers under this act, shall be subject to the same restrictions and have the same powers heretofore imposed on said officers, unless otherwise provided herein.

§ 9. All of the officers mentioned herein shall be eligible for re-election.

§ 10. That chapter 59 of the Acts of this session, approved January the 30th, 1888, amending the charter of the Kentucky Agricultural and Mechanical Association at Lexington, not having been accepted by the stockholders according to its provisions, is hereby repealed; other acts incorporating said association, and all amendments thereto, are repealed or modified only in so far as they conflict with this act.

§ 11. This act shall take effect and be in force from its passage.

Approved April 5, 1888.

CHAPTER 863.

AN ACT, entitled "An act to amend an act to incorporate the town of Rowland, in Lincoln county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to incorporate the town of Rowland, in Lincoln county," be, and the same is hereby, amended as follows: That so much of section 8 of said act as provides that the clerk, tax collector, treasurer and assessor shall be members of the board of trustees, be, and the same is hereby, repealed; and the said board of trustees are hereby empowered to elect such persons to fill said offices as they may deem for the best interests of the town, which persons may or may not be members of the board of trustees.

§ 2. That the board of trustees shall have the power to pass all by-laws and ordinances that may be necessary for maintaining the peace, good government, health and order of the town of Rowland, and to enforce the observance thereof by prescribing fines and penalties for the violation thereof: *Provided*, The fine shall not exceed fifty dollars, and the imprisonment in the county jail shall not exceed fifty days. The said board shall have the pay and provide for the compensation of all the officers, agents or servants of the town of Rowland, and to announce, by ordinance, all vacancies in office, and to fill the same by the election of a suitable and eligible person, and enforce, by ordinance, a proper discharge of the official functions of all the officers of said town, and prescribe the penalty for their non-observance; the said board shall have the power to receive, grade, macadamize, clean, keep open, and repair all the lanes, streets and alleys within said town; and shall have the power to pass such ordinances as may be necessary for the government of said town, and to

make all by-laws and ordinances that may be necessary and proper for the carrying into effect all the powers vested by this amendment and the charter in the corporation, the board of trustees, or any department or office thereof. .

§ 3. The board of trustees shall have a lien on the property assessed for all taxes under the charter, which lien shall not be defeated by any cause whatever, and which taxes shall be assessed, due and payable, in such manner and at such time as the board of trustees may by ordinance provide; and all the property within the town limits, not exempt from taxation under the general laws of the State, shall be subject to the tax imposed by the charter for city purposes; and the tax collector of the town of Rowland shall have the same power to collect and enforce and coerce the payment of the taxes provided for by the charter that sheriffs now have under the State laws.

§ 4. In all civil causes within the limits of said town, and in all cases for the violations of the general laws within said limits, the police court shall have concurrent jurisdiction with justices of the peace of Lincoln county; and in case any person shall fail to pay or replevy any fine imposed for the violation of any of the ordinances of said town or the general laws, the police court shall have the power to imprison such person in the jail of Lincoln county, or may cause them to work out such fine on the streets or other place within the town; said work shall be done under the supervision of the marshal or other person, as the court may direct; and the imprisonment or labor thus imposed shall not exceed one day for each dollar of the fine.

§ 5. J. H. McPherson is hereby appointed police judge of the town of Rowland until the first election shall be held as provided for by the charter, and until his successor is elected and qualified.

§ 6. It shall be the duty of the marshal of Rowland to serve and execute all notices, warrants, processes,

writs and other things directed to him by the police judge of Rowland, when they can be executed within the town, and shall have the same power to serve same as constables now have under the State laws; and he shall, within the limits of said town, in all matters of a penal or criminal nature arising under the ordinances of the city or under the laws of this Commonwealth, possess the same powers and perform the same duties as sheriffs and constables.

§ 7. All general laws relating to town and cities, and all general laws relating to courts and officers, not inconsistent with this amendment and the charter, shall apply to the town of Rowland, to the police court of said town, and all the officers of said town.

§ 8. This act shall be in effect from and after its passage.

Approved April 5, 1888.

CHAPTER 864.

AN ACT to incorporate the Paducah Savings Bank.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established a savings bank in the city of Paducah, Kentucky, with a capital of one hundred thousand dollars, which may be increased by order of the directors of said bank to any sum not exceeding five hundred thousand dollars, in shares of fifty dollars each, to be subscribed and paid for as hereinafter specified; and the subscribers, their associates, successors and assigns, shall be a body-politic and corporate, by the name and style of the

Corporate name.

Corporate powers.

Paducah Savings Bank, and shall so continue for twenty-five years from the passage of this act, and shall have all the rights and privileges in contracting and being contracted with, in suing and being sued, and of impleading, answering and defending,

in and by the name of the Paducah Savings Bank, in all courts and places whatever. Said bank may have and use a common seal, and change the same at pleasure.

§ 2. Said bank shall be under the control and man- Directors.
agement of not less than three nor more than seven
directors, as the by-laws may, from time to time, reg- By-laws.
ulate and prescribe, who shall be stockholders, own-
ing each in his own right ten (10) shares of stock.
They shall hold their offices until their successors are Elections.
elected and qualified ; and after the bank begins busi-
ness, shall be elected on the second Tuesday of Janu-
ary of each year: *Provided*, That should such election
fail to be held upon that day, the directors shall order
an election to be held within thirty days thereafter,
written or printed notice of which shall be sent to each
stockholder at least seven days before the day appoint-
ed for such deferred election. Each stockholder in
said bank shall be entitled to cast, either in person
or by proxy, one vote for each share of stock held by
him. In case of a vacancy in the board of directors,
the remaining directors shall have power to appoint a
qualified stockholder to fill it until the next regular
election. The directors shall elect one of their num-
ber president, who shall preside at their meetings, and
perform such other duties as may be assigned to him
by this charter and their by-laws. They shall have General powers.
power to sell any of the stock remaining unsold ; to
declare dividends out of the profits of the business
of the bank ; to appoint such officers, agents and em-
ployes as they may deem necessary to conduct the
business of the bank, and to pay them for their ser-
vices ; to take from the president, cashier and other
employes such bonds as they may deem proper and
reasonable to secure a faithful performance of their
respective duties, and to make such by-laws as they
may deem necessary for the proper management of
the affairs of the bank: *Provided*, The same shall
not be contrary to the laws of this State or the United

States. The stock shall be personal property, and shall be transferable only on the books of the bank by the stockholder or his attorney, under such rules and regulations as the directors shall, from time to time, establish.

First board of
directors.

§ 3. That Geo. O. Hart, Eli Boone, L. S. DuBois, John O'Brien, W. W. Powell, John Rinkleff, and W. F. Bradshaw are hereby constituted and appointed a board of directors of said corporation, to serve as such until others are duly elected and qualified as provided herein. Said directors may open books in the city of Paducah, and receive subscriptions to the capital stock of said bank; and when fifty thousand dollar stock shall have been subscribed for and twenty-five per cent. of same paid in, said corporation may begin business.

General banking
business.

§ 4. Said bank may receive deposits of gold and silver coin, bank notes, and other notes which may be lawfully circulated as money, and repay the same in such manner, at such times, and with such rate of interest, not exceeding six per cent. per annum, as may be agreed upon with the depositors by special or general contract; may deal in the loaning of money; may buy and sell bills of exchange, promissory notes, uncurrent money, stocks, bonds, mortgages, and other evidences of debt; take personal and other securities for the payment of same, and dispose of the latter in accordance with the provisions of an act, entitled "An act for the benefit of the incorporated banks of Kentucky," approved March 16, 1871, and pass a valid title to same: *Provided*, That no loan shall be made, nor paper purchased nor discounted, unless the same is secured by lien or real estate, situated in the city of Paducah or county of McCracken, Kentucky, or unless the same is secured by one or more of the following collaterals, to wit: Bonds issued by the State of Kentucky, or any county in the State of Kentucky, or the city of Paducah, Kentucky, in good standing when the loan is made or the note or bill is discounted;

the stock of any bank in good standing, located in the city of Paducah or county of McCracken, in Kentucky.

§ 5. Said bank may receive deposits from minors and married women, and the receipts and acquittances of such minors and married women shall be valid.

§ 6. Said bank may acquire, hold, and use all such Hold property, real and personal real estate, goods and chattels, as may be necessary for the transaction of its business, or which may be purchased in satisfaction of any debt, judgment or decree; but shall resell the same in five years, except such real estate as may be necessary for the transaction of its business.

§ 7. Every stockholder shall be individually liable Liability of stockholders to the creditors of the bank to the full amount of stock subscribed for and owned by him; but when the same shall have been paid for in full, then no further individual liability attaches to such stockholder.

§ 8. The president, directors, and other officers of Take oath. this bank, previous to entering on the discharge of their duties, shall take an oath before some justice of the peace or notary public of this State, faithfully, honestly, and to the best of their ability, skill, and judgment, to discharge all the duties of their respective offices and stations under this charter, or which may be required of them by the by-laws, rules and regulations, of the corporation; and that they will not, during their continuance in office, sanction or permit any of the provisions of this charter to be violated; and should any occur without their concurrence, that they will immediately report the same to the Attorney-General of the Commonwealth.

§ 9. That the president and directors of this bank be, and are hereby, authorized and empowered to wind up the affairs of said bank whenever a majority in interest of the stockholders shall determine that the community and the interest of the company do not require its continuance.

§ 10. To effect this, the president and directors shall have all the powers which may be necessary and proper to wind up and liquidate the affairs of the bank upon just and equitable principles.

§ 11. This act shall take effect and be in force from its passage.

Approved April 5, 1888.

CHAPTER 865.

AN ACT to incorporate the Michigan Lumber Company, at Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That John Bartman, Sr., John Bartman, Jr., Charles Bartman, Jacob Bartman, George W. Bartman, William H. Bartman, John Hoertz and John Ullrich, are hereby constituted and created a body-corporate, by the name of Michigan Lumber Company ; and by that name they and their successors and assigns to have perpetual existence as a corporation. The following so constitute the first board of directors : John Bartman, Sr., John Hoertz, George W. Bartman, William H. Bartman, with power to fill vacancies as they occur from time to time ; to select from their number a president, secretary and treasurer and general manager. The said corporation shall have power to sue and be sued, to contract and be contracted with, to make and use a common seal, and alter the same at pleasure, to purchase, take and hold by purchase, gift or otherwise, and to sell or mortgage any real or personal estate.

§ 2. The object and purpose of this corporation are hereby declared to be the carrying on of a general lumber business, with all the necessary powers in such respects as private individuals now enjoy ; to buy and sell lumber and logs, and provide means for sawing logs.

§ 3. The capital stock of said corporation shall be (\$25,000) twenty-five thousand dollars, with shares of (\$100) one hundred dollars each; and the said board of directors herein named shall fix the time when and the conditions upon which it shall be paid in, with power to increase the same as the board of directors may direct; but no such increase of stock shall be valid unless ratified by the majority of stockholders of this body.

§ 4. The board of directors of this corporation may adopt by-laws or make any other rules and regulations for the management of its business, and carry out its objects, not inconsistent with this act or with the Constitution or laws of the United States or of this State.

§ 5. The said board of directors herein named shall hold office until the first of June, at which time there shall be an election of a board of directors, and until their successors are duly elected and qualified, and thereafter in each succeeding year, on the first day of June, the board of directors shall be elected; but a failure to so elect shall not invalidate any incorporate act, or work a forfeiture of this charter.

§ 6. The highest amount of indebtedness or liability to which the corporation is at any time to subject itself shall be ten thousand dollars.

§ 7. The private property of stockholders is to be exempt from corporate debts.

§ 8. This act shall take effect from and after its passage.

Approved April 5, 1888.

CHAPTER 866.

AN ACT to amend the charter of the city of Vanceburg, in Lewis county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the charter of the city of Vanceburg be, and the same is so amended, that the city assessor shall enter upon his duties of assessing said city on the tenth day of September, or soon thereafter, in each year; that each person shall be assessed with what property he owned or had in his possession on said tenth day of September. The city assessor shall complete his work and make his report to the council of said city at its regular meeting in November; the council shall, at said meeting, appoint three persons to act as supervisors of said tax and as a board of equalization; before entering upon their duties they shall take an oath before the mayor of said city; they will make their report at the regular meeting of the council in December. The city clerk shall make out the tax receipts and place same in hands of city collector, taking receipt therefor, by the fifteenth day of January, or when the incoming collector has qualified and been sworn in office. After the first day of May in each year the city collector shall advertise and sell all real estate listed for taxation on which tax has not been paid; he shall advertise same at three or more public places in said city, at least fifteen days before sale, which sale shall be at front door of court-house in said city on some county court day. Any person buying said real estate shall be given a certificate of purchase by the collector making said sale; if no one bids on said property the collector shall bid same in for said city, giving said city a certificate of purchase for each piece so bought in; the purchasers shall file their certificates with the city clerk, to be recorded by him in a book

kept for that purpose. Any time within two years from day of sale the owner of said property, or some one for him, may redeem same by paying to city clerk the tax, all cost, and thirty per cent. interest. If same is not redeemed within two years, the collector making said sale, or the collector for that year, shall make a deed to said purchaser for said property. No real estate, however, shall be sold for taxes where there is any personal property out of which to make said tax.

§ 2. This act shall take effect from and after its passage.

Approved April 5, 1888.

CHAPTER 867.

AN ACT to incorporate the Menelos and Silver Creek Station Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Menelos and Silver Creek Turnpike Road Company be incorporated for the purpose of constructing and operating a turnpike road from a point at or near Menelos, in Madison county, Kentucky, to a point at or near Silver Creek Station on the Kentucky Central Railroad in said county ; or to a point at or near Moran's scales on Paint Lick and Walnut Meadow Turnpike Road in said county, or to both of the two last-named points. The exact location of said road or roads shall be fixed by the directors of said company in accordance with the above description.

§ 2. Said company, by the name designated, may sue and be sued, contract and be contracted with, and buy and sell, hold and convey, any real estate needed for the building or operation of its road, and do all lawful acts in the premises.

§ 3. John Powers, John W. Maupin, W. B. Jones, Robert Duerson, Thompson Burnam, B. F. Brown, James Adams and John Ballard, are hereby appointed commissioners, and they, or any three of them, may open books and receive subscriptions to the capital stock of said company at such times and places as they may choose. The capital stock of said company shall not exceed fifteen thousand dollars, and shall be divided into shares of fifty dollars, and the private property of the stockholders shall be exempt from its corporate liabilities.

§ 4. When three thousand dollars of the capital stock shall have been subscribed, a majority of the commissioners named, who may act, shall, after ten days' notice in writing of time and place, hold an election of a board of five directors. The directors shall hold office for one year, and until their successors are elected and qualified. Said directors shall annually name one of their number president, and also appoint a secretary and treasurer from among the stockholders. A majority of the directors shall be a quorum for the transaction of any business of the company, and said board of directors shall control the affairs of the company.

§ 5. Similar elections for the election of directors shall be held annually, and ten days' previous notice of same shall be given by the board of directors; the voting shall be in person or by written proxy, and each share of stock shall be entitled to one vote.

§ 6. The grade of said road-bed shall not be less than sixteen feet wide, and the metal upon same shall not be less than twelve feet wide; and said company shall have all the rights and be subject to all the liabilities now granted and imposed by the General Statutes of Kentucky.

§ 7. This act shall take effect from its passage.

Approved April 5, 1888.

CHAPTER 869.

AN ACT to amend an act, entitled "An act to consolidate common school districts Nos. 1 and 26, in Carroll county, and to provide for a school building and a better organization of the public schools in said consolidated district," approved May 7, 1886; and providing for the levying of an additional tax in said school district to extend the session of the school therein.

WHEREAS, The trustees of common school district No. one (1), white, in Carroll county, are in debt for a school building, and have levied a tax of twenty-five (25) cents on each one hundred dollars' worth of taxable property in said district to pay said indebtedness, and the amount of such indebtedness being such that said tax must be continued for at least three years; and whereas, the amount received from the State common school fund by said district will only maintain the school for five (5) months; and it being greatly desirable to maintain the common school in said district for a term of from eight to ten months in each school year; therefore, to provide for the levying of an additional tax to accomplish such object,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the board of trustees of common school district number one (1), white, in Carroll county, be, and they are hereby, authorized to levy, from year to year, a tax on all taxable property within said district, which is owned by white people, not exceeding twenty (20) cents on each one hundred dollars' worth thereof, in any one school year, which tax shall be collected as county and State taxes are collected; and any officer collecting the same, or a collector appointed by the board of trustees, shall execute bond for the faithful performance of his duties as such, and the payment of said tax as collected to the treasurer of said board of trustees.

§ 2. The officer or collector making such collections shall have the same power to distrain for taxes, and

enforce the same in the same manner and to a similar extent, as sheriffs in the collection of State taxes.

§ 3. The treasurer of said board shall be responsible on his official bond for all money paid to him under the provisions of this act, and shall pay out the same on the order of the board of trustees.

§ 4. Said board of trustees shall use said money so collected to extend the sessions of the white common school in the aforesaid district, as the money so collected will justify, not exceeding ten months in any one school year; and they shall report the amount of money collected and how expended in their annual report.

§ 5. Before said board shall levy the tax as provided herein, the question shall first be submitted to a vote of the white voters of said district, qualified to vote under the common school law, and the question may be submitted at any time and as often as said board may deem expedient, notice of such election being given as required by the common school law; and said election shall be conducted and the result ascertained as in school district elections for district taxation under the common school law.

§ 6. At the election herein provided for, each voter shall be asked by the judge of the election: "Are you in favor of the school tax or against the school tax?" and his vote shall be recorded in favor of or against the tax, according to his answer. If the result is in favor of "school tax," the board of trustees shall levy, from year to year, such tax as herein provided, in any amount they may deem necessary for the year, not exceeding the twenty (20) cents aforesaid.

§ 7. This act shall take effect and be in force from and after its passage.

Approved April 5, 1888.

CHAPTER 870.

AN ACT to amend an act, entitled "An act authorizing the Floyd County Court to levy a poll and ad valorem tax to pay for public buildings in said county," approved February 6, 1884, and to regulate the levying of a capitation tax in said county for general county purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act authorizing the Floyd county court to levy a poll and ad valorem tax to pay for public buildings in said county," approved February 6, 1884, be, and the same is hereby, amended by striking out of the sixth line of section 1 of said act the words "one dollar," and inserting in lieu thereof the words "fifty cents."

§ 2. *And be it further enacted,* That no poll or capitation tax exceeding two dollars, exclusive of that authorized by section 1 of this act, shall be levied upon the tithes in said county in any one year.

§ 3. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

§ 4. This act shall take effect from and after January 1, 1889.

Approved April 5, 1888.

CHAPTER 871.

AN ACT to regulate the operation and management of bridges spanning the Ohio river at Covington, and to prevent extortion and discrimination upon the part of companies, corporations or individuals owning, maintaining or operating the same.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That no company, corporation or individual, now or hereafter owning, maintaining, operating or conducting a bridge or bridges, from any point within

the city of Covington over or across the Ohio river to the opposite shore thereof, shall exact, charge or receive, for passing over such bridge or bridges, in a street car or other vehicle, a greater rate of toll or charge or amount than is exacted, charged or received for or from foot passengers crossing such bridges. Nor shall such companies, corporations or individuals, charge, exact or receive from any street railway company or corporation any toll in addition to that paid for the passengers carried in its cars. Nor shall such companies otherwise discriminate against any class of traffic over such bridges. And street-car and transportation companies operating their lines and vehicles for carrying passengers over such bridges, and persons riding in such cars or vehicles, shall be accorded equal facilities for the purchase and use of commutation tickets for passengers carried by or riding in such street cars or other vehicles as is accorded by such bridge companies to foot passengers crossing the same.

§ 2. All such bridge companies shall at all hours, both day and night, expose for sale such coupons or commutation tickets as shall be offered for sale by them at any time.

§ 3. Each violation of the provisions of this act, or of either of them, shall be punished by a fine of one hundred dollars, recoverable in any court of competent jurisdiction.

§ 4. This act shall take effect from the day of its passage.

Approved April 5, 1888.

CHAPTER 872.

AN ACT to amend the charter of the Middle Trace Turnpike Road Company, Northern Division, in Mason county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the charter of the Middle Trace Turnpike Road Company, Northern Division, in Mason county, be, and the same is hereby, amended so as to authorize said turnpike road company to construct a branch as part of its road from the main line, near A. R. Glascock's, to the Maysville and Lexington Turnpike, along what is known as the old Mefford dirt road.

§ 2. That said turnpike road company shall have all the powers, right and privileges conferred, and be subject to all the penalties incurred, and none others, by the General Statutes on turnpike, gravel and plank roads.

§ 3. That this act shall take effect and be in force from and after its passage.

Approved April 5, 1888.

CHAPTER 873.

AN ACT to establish a board of commissioners for Carter county and to define their duties, and the duties of other county officers whose duties are connected with the duties of said commissioners.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That there shall be established in Carter county Corporate name. a tribunal, to be styled the board of commissioners for Carter county, who shall consist of three members, who shall be elected by the qualified voters of Carter Elected. county on the first Monday in August, 1888. The comparison of the vote and certificate of election shall be by the same board of officers as now provided by law for that of county judge. It is further provided

that K. B. Grahn, Geo. W. Prichard and Frank Prater shall, under this act, be the commissioners of Carter county, and shall discharge the duties of said office until their successors are elected and qualified as contemplated by this act. After the first election the persons first elected shall, on the first Monday in September, 1888, succeeding the election, meet at the court-house in the town of Grayson, when they shall qualify and enter upon the duties of their office as herein imposed upon them.

Meet first September.

§ 2. Contested election of said commissioners shall be tried and decided in the same manner and by the same board as is authorized by law for that of county judge.

Contested election.

§ 3. The term of office of said commissioners shall be one for three years, one for two years, and one for one year; and at their first meeting they shall determine by lot which shall serve the respective terms; and at each succeeding August election thereafter there shall be one commissioner elected, whose term of office shall be three years, to take the place of the one whose term of office shall expire; and if, at any time, a vacancy shall occur, the other commissioners or commissioner shall fill said vacancy by appointment until the next August election, when one shall be elected to fill said vacancy.

Terms of office.

Vacancy

§ 4. The board of commissioners first herein elected shall hold their first meeting on the first Monday in October, first Monday in January, April and July, succeeding their election and qualification. The said commissioners, as herein provided for, before acting as such, shall be sworn to faithfully perform the duties of said office as herein set forth, and each shall execute before the Carter county court a bond to the county of Carter, in the sum of five thousand dollars each, with solvent securities, conditioned for the faithful performance of the duties as commissioners under this act. Said commissioners shall, immediately after their qualification and entering upon their duties, ap-

point a competent person treasurer of Carter county, ^{Treasurer.} who shall hold his office for the term of three years, and until his successor shall have been appointed and qualified.

§ 5. The treasurer shall have the custody and hold ^{Treasurer's duties.} all moneys belonging to said county subject to disbursement as herein set forth, and shall execute bond to the county of Carter in a sum of not less than ten thousand dollars, with four or more securities, in the aggregate worth in real estate double the amount of said bond, over and above all indebtedness and exemptions from executions, conditioned for the safe-keeping and disbursing of all money coming to his hands, and for the faithful performance of his duties as such treasurer. Said bond shall be approved by the county judge of said county, and attested by the county clerk, and by him recorded with the proceedings of said board of commissioners, and safely kept in the county clerk's office. The county court may require additional bond and securities when it may be deemed necessary. The original bond, as well as any additional bond, as herein provided, shall be filed in the county clerk's office, and suit may be brought on same from time to time by and in the name of the county of Carter, or any other persons injured by any breach of said bond, in any of the courts of Carter county having jurisdiction of the sum claimed in said suit. The treasurer shall receive a reasonable allowance for his services as treasurer, to be fixed and allowed by the board of commissioners, payable out of the county levy.

§ 6. The board of commissioners herein, at their ^{Chairman.} first meeting to transact business, may select one of their number as chairman of said board, who shall preside at said meetings. They may make such other changes as is necessary for their sittings.

§ 7. The county clerk shall be the clerk of the board ^{Clerk of board.} of county commissioners, and under the orders thereof shall procure all record-books, in which he shall keep

a full and detailed record of all proceedings of any and all meetings of any or all of said commissioners; and he shall keep said books fully and carefully indexed and preserved among the records of Carter county, at the clerk's office in said county. These books shall be paid for on order of said board out of the county levy of said county.

Four meetings
yearly.

§ 8. Said board of commissioners shall hold at least four meetings each year; one on the first Monday in October; one the first Monday in January; one the first Monday in April, and one the first Monday in July; and they shall have power to hold such other meetings as they may designate, as in their judgment may be necessary for the transaction of the business hereby confided to them. Any two of said board of commissioners shall constitute a quorum for the transaction of business.

§ 9. The three commissioners may, for the purpose of examining any of the county buildings, bridges, or other property or public improvements of which they have charge under this act, meet when and where circumstances may require; but when they make any order in regard thereto, it shall be done at the courthouse or clerk's office in Grayson, which order or orders shall be entered by the county clerk, properly dated and signed by the commissioners making said order. Any two of said commissioners shall form a quorum for transacting such business; but all shall be notified and requested to be present.

Per diem.

§ 10. The per diem of the board of commissioners shall not exceed three dollars each per day necessarily spent in the transaction of said business, to be fixed by said board and paid out of the county funds.

Sheriff attendance
board.

§ 11. The sheriff shall, by himself or deputies, attend on said board and execute all its summons and orders required to be executed, and shall be allowed fees therefor, as allowed by law for such services in the county court, which shall be paid out of the county funds.

§ 12. The said board of commissioners shall have exclusive original jurisdiction in the same manner, and to the full extent and authority to exercise all powers and transact any and all business heretofore transacted by the court of claims, or that may hereafter be given by general enactment to the court of claims in this Commonwealth, and shall be governed by and subject to the same laws and penalties, when not otherwise provided for in this act; and all acts and parts of acts creating a court of claims applicable to the county of Carter are hereby repealed, and held for naught so far as they apply to said county of Carter, to take effect on and after the passage of this act.

§ 13. It shall be the especial duty of said board of commissioners to take charge of the county buildings and property of every description; also improvements on the county bridges in said county, and preserve the same from waste; and when it is necessary to build public buildings or repair in any way, and to improve any of said buildings belonging to said county, or to build or repair any bridges and the approaches thereto, which shall require a sum of money to do the same, said commissioners shall cause the erection of all such buildings and repairs on building, bridges, approaches, on the county roads, as may be necessary, at the expense of the county.

§ 14. For the purpose of carrying out the objects set forth in this act, and for the purpose of paying the present outstanding indebtedness of said county that is now due or hereafter to become due, and for the purpose of erecting any court-house, county offices, jail, poor-house, bridge, and other necessary improvements, or for the purpose of repairing, improving, or rebuilding any such buildings or bridges, the said commissioners are hereby authorized and empowered to provide for the payment of all the appropriations made by the board of commissioners of Carter county for the ordinary expenses and ordinary indebtedness of said county, and appropriations for county pur-

a full and detailed record of all proceedings of any and all meetings of any or all of said commissioners ; and he shall keep said books fully and carefully indexed and preserved among the records of Carter county, at the clerk's office in said county. These books shall be paid for on order of said board out of the county levy of said county.

Four meetings
yearly.

§ 8. Said board of commissioners shall hold at least four meetings each year ; one on the first Monday in October ; one the first Monday in January ; one the first Monday in April, and one the first Monday in July ; and they shall have power to hold such other meetings as they may designate, as in their judgment may be necessary for the transaction of the business hereby confided to them. Any two of said board of commissioners shall constitute a quorum for the transaction of business.

§ 9. The three commissioners may, for the purpose of examining any of the county buildings, bridges, or other property or public improvements of which they have charge under this act, meet when and where circumstances may require ; but when they make any order in regard thereto, it shall be done at the courthouse or clerk's office in Grayson, which order or orders shall be entered by the county clerk, properly dated and signed by the commissioners making said order. Any two of said commissioners shall form a quorum for transacting such business ; but all shall be notified and requested to be present.

Per diem.

§ 10. The per diem of the board of commissioners shall not exceed three dollars each per day necessarily spent in the transaction of said business, to be fixed by said board and paid out of the county funds.

Sheriff attend on
board.

§ 11. The sheriff shall, by himself or deputies, attend on said board and execute all its summons and orders required to be executed, and shall be allowed fees therefor, as allowed by law for such services in the county court, which shall be paid out of the county funds.

§ 12. The said board of commissioners shall have exclusive original jurisdiction in the same manner, and to the full extent and authority to exercise all powers and transact any and all business heretofore transacted by the court of claims, or that may hereafter be given by general enactment to the court of claims in this Commonwealth, and shall be governed by and subject to the same laws and penalties, when not otherwise provided for in this act; and all acts and parts of acts creating a court of claims applicable to the county of Carter are hereby repealed, and held for naught so far as they apply to said county of Carter, to take effect on and after the passage of this act.

§ 13. It shall be the especial duty of said board of commissioners to take charge of the county buildings and property of every description; also improvements on the county bridges in said county, and preserve the same from waste; and when it is necessary to build public buildings or repair in any way, and to improve any of said buildings belonging to said county, or to build or repair any bridges and the approaches thereto, which shall require a sum of money to do the same, said commissioners shall cause the erection of all such buildings and repairs on building, bridges, approaches, on the county roads, as may be necessary, at the expense of the county.

§ 14. For the purpose of carrying out the objects set forth in this act, and for the purpose of paying the present outstanding indebtedness of said county that is now due or hereafter to become due, and for the purpose of erecting any court-house, county offices, jail, poor-house, bridge, and other necessary improvements, or for the purpose of repairing, improving, or rebuilding any such buildings or bridges, the said commissioners are hereby authorized and empowered to provide for the payment of all the appropriations made by the board of commissioners of Carter county for the ordinary expenses and ordinary indebtedness of said county, and appropriations for county pur-

poses. The board of commissioners of Carter county, a majority of said commissioners being present and concurring therein, be, and they are hereby, authorized and empowered to levy an ad valorem tax on all real and personal property in Carter county, which is assessed and subject to State taxation for revenue purposes; for the support of the poor, not to exceed twenty-five cents on each one hundred dollars' worth of property; for bridge purposes, not to exceed twenty-five cents; for public building purposes, not to exceed twenty-five cents; and for expenses incurred by law and to cover indebtedness for ordinary purposes, not to exceed twenty-five cents. The tax herein authorized shall be levied by said board of commissioners at the annual meeting in January of each year, and from year to year thereafter, in any sum they may deem necessary for the purposes named in this act, not, however, to exceed (\$1) one dollar on each one hundred dollars in value of taxable property in said county, in any one year, for all purposes.

§ 15. That the sheriff of Carter county is hereby required and empowered to collect all tax, of whatever description, that may be levied by the board of commissioners for said county, under the provisions of this act, in the same manner as the State revenue taxes are now collected. He shall have the same right to distrain and sell property therefor, and shall pay over to the treasurer of said board of commissioners all moneys thus collected or in anywise belonging to said county; which moneys, when paid to said treasurer, shall be kept and held by said treasurer subject to the orders of the board of commissioners, signed by the county clerk, which said treasurer shall pay, upon proper vouchers and orders, to the persons entitled thereto, for which said treasurer shall receive a credit in his annual settlement with said board, all of which vouchers shall be numbered and registered in a book to be kept for that purpose by the county clerk; and the bond executed by the sheriff shall

cover the said taxes thus to be collected and paid over, upon which bond he and his securities shall be liable therefor in the same manner they are liable for the State revenue; and said sheriff shall receive for collecting said taxes a compensation not exceeding that allowed by law for collecting the State revenue. And if any sheriff, whose duty it is to collect taxes levied under this act, shall fail or refuse to execute bond as required by this act, at the January term of the Carter county court of each year in which said taxes is to be collected, he shall forfeit his right to collect said county taxes, and said commissioners shall appoint a collector for said year, who shall execute bond in the county court, with sureties who are solvent, and have all the powers and be subject to all the duties and liabilities of the sheriff in collecting taxes under this act.

§ 16. That if any sheriff or collector, having in his hands for collection taxes levied under this act, shall fail to collect and pay over the same to the treasurer within the time herein prescribed, such sheriff or collector shall, with his sureties, be liable for the amount not paid as required and ten per cent. thereon, to be recovered by suit or by motion on ten days' notice, in any court in said Carter county having jurisdiction; and any execution issued on such judgment shall not be replevied, and shall be indorsed by the clerk issuing the same no security of any kind to be taken; and any sale made under such execution shall be for cash in hand. No demand of the amount due shall be necessary to put said sheriff or collector in default.

§ 17. The said board of commissioners shall require the treasurer of the county, and the sheriff or collector of the county, to make annual settlements of their accounts with the county at or on a day or days to be fixed by said commissioners. All acts and parts of acts heretofore enacted by the General Assembly of the Commonwealth of Kentucky authorizing the Carter county court of claims to levy an ad valorem tax

Sheriff's liabilities.

Treasurer and sheriff make annual settlements.

upon real or personal property in said county, or a capitation or poll-tax for the purpose herein named, are hereby repealed.

§ 18. The board of commissioners may employ a competent architect to draft the plans and specifications for any public building, or a civil engineer for any bridges they are about to erect; such plans and specifications shall be such as to afford any competent builder all needful information to enable him to understand what will be required in the construction thereof; said architect or engineer shall make, or cause to be made, a full and accurate estimate of each item of expense, and the entire aggregate costs. If such drawing, specifications and estimates shall be approved by the commissioners, they, or a copy thereof, shall be deposited with the county clerk, and by him safely kept in his office.

§ 19. When any such building, or bridge and approaches, or other work, shall, by estimate, cost two hundred dollars or more, the board of commissioners shall advertise for sealed proposals to furnish the materials and build and perform all the work according to the plan and specifications, a copy of which shall also be on file in the county clerk's office in Grayson for examination by those desiring to bid on said work and materials.

§ 20. When the commissioners shall advertise for proposals, it shall be done either by printed or written posters, or by publishing in some newspaper having general circulation in Carter county. It shall state where the plans and specifications may be seen, and the time in which bidders have to file their bids with the county clerk of Carter county, and the time when said bids will be opened, which shall be done by the clerk, in the presence of not less than two of the commissioners and such bidders as may be present, and publicly read and examined. They shall accept the lowest and best bid, or reject all, and re-advertise as before. All bids shall be accompanied

by the names of at least two responsible persons, residents of the State of Kentucky, as surety for the performance of the contract if the bid is accepted. In advertising for the building of bridges or other work, they may receive and take into consideration and adopt any other place than the one on file in making their award before opening any of said bids. They may adjourn to another day after opening, reading and examining such bids; they may adjourn to another date for making their awards. When a contract is entered into, the original shall be kept on file with the plans and specifications in the clerk's office. If it shall be necessary to make any additional repairs to any buildings or bridges on any of the public roads, the commissioners shall, as near as practicable, conform to and make contracts in the manner herein set forth; and it is especially provided that neither of the commissioners or county clerk shall bid themselves, or procure any one to bid for them, or have any interest in any contract for the building or repairing of any building or bridge, or improvement of any kind, in Carter county, during their term of office as such.

§ 21. The board of commissioners shall have no power to pass any order or resolution for the appropriation of any money or the creation of any debt against Carter county, unless the same on its passage shall be voted for by a majority of all the members of said board of commissioners.

Majority vote
necessary to
appropriate
money.

§ 22. That all claims hereafter presented against Carter county shall be made out in writing, plainly and fully itemized and verified by the claimant, his agent or attorney, that such claim is just, due, and unpaid, and filed with the clerk of the Carter county court at least ten days before the first day of the January sitting of said board of commissioners; and all claims not presented as herein provided shall not be considered or allowed, except the fees of the commissioners herein and officers' fees for holding elections.

Claims to be
made out in
writing.

§ 23. The county attorney, in his name, for the use of Carter county, may prosecute an appeal to the Carter circuit court from the allowance of any claim against Carter county, where the amount is twenty dollars and upwards, without executing appeal bond.

§ 24. The board of commissioners shall have power, Support paupers. and it shall be their duty, to contract and provide means for the support of the paupers of said county of Carter, and supply them with the necessaries of life; and so much of the general laws as authorizes the county judge or county court of Carter county to furnish medical aid, or otherwise provide for the poor or paupers of said county, be, and the same are hereby, repealed.

§ 25. It shall be the duty of each and every sheriff Duty of collector of taxes. and collector of the levies laid under and by virtue of this act, on the first day of June each year, and on the first day of each month thereafter after the laying of the levies under this act and their appointment, to report to the treasurer, appointed under and by virtue of this act, the amount of taxes levied under this act collected by him and his deputies, from whom collected from each tax-payer during the month previous to making such reports, which report shall be subscribed by said collector and his deputies; and he shall subscribe an oath thereon to the effect that said report contains a full, true and complete list of all taxes collected by him and them for and during the period for which the same is made, with the names of tax-payers from whom collected, and amount collected from each; and that he and they have not collected any taxes other than those named and set forth in said report during the period for which such report is made, which oath shall be taken before the clerk of the Carter county court. And each collector who shall fail to make the reports required by this section shall be subject to a fine of five hundred dollars for each offense, to be recovered by indictment in the Carter criminal court; and if any collector shall make

a false report at any time he shall be guilty of false swearing, and punishable as now provided by law for such offense.

§ 26. It shall be the duty of the sheriff or collector appointed under and by virtue of this act, within five days after making each report required to be made by him or them under the preceding section, to pay over to the treasurer appointed under this act all moneys collected by him or them, and set forth in his or their report. In case any sheriff or collector shall fail within said time to make such payments, it shall be the duty of said treasurer to make report of such failure to the county attorney of Carter county, whose duty it shall be to immediately institute a proceeding in the Carter county court, by filing in the clerk's office of said court a petition in the name of said treasurer against the sheriff or collector and their sureties for the recovery of the amount remaining unpaid, upon which such sheriff or collector and his sureties shall be summoned; and power and authority is hereby given the Carter county court to render judgment in such proceeding in favor of such treasurer against such sheriff or collector and his sureties in their bond, or such of them who shall be summoned in the action, for the amount reported as having been collected by them, together with twenty per cent damages thereon and the cost of such proceeding, and to enforce the collection of the same by execution, on which no security of any kind shall be taken.

§ 27. It shall be the duty of the commissioners of Carter county, through a commissioner appointed for that purpose, on the first Monday in January next succeeding under this act, at the court-house in the town of Grayson, and each year thereafter in Carter county, to cause a final settlement to be made with the sheriff or collector, in which settlement said commissioner will charge said sheriff or collector with the amount of taxes levied for said year as shown by the

assessment lists on file in the clerk's office of the Carter county court, copies of which shall have been delivered to such sheriff or collector by the clerk of the Carter county court as hereinbefore provided, and will allow said sheriff or collector a credit for the sums of money collected and paid to the treasurer as hereinbefore provided; and taxes on such property as the sheriff or collector shall not be able to find after diligent search, and due inquiry therefor in the neighborhood where located, or which they shall be unable to sell after duly advertising and offering it for sale in the manner prescribed by law, a list of which property shall be presented to the commissioners at said January term, or that he has duly advertised and offered it for sale and could not find any bidders therefor, which oath shall be taken before the clerk of the Carter county court, which list shall be examined by the said board of commissioners, and only so much of it as shall be ordered proper shall be approved by said board of commissioners; and only so much as shall be approved by said commissioners shall be credited to such sheriff or collector on his settlement with said commissioner herein appointed to settle with them.

§ 28. All claims not made out and presented as herein required, within two years from the date of their accrual, shall be barred.

§ 29. Appeals may be taken from the board of commissioners on all matters as are now allowed from the county court of claims, and in the same manner, under the general laws of this Commonwealth, to the circuit court of Carter county, where the amount in controversy is not less than twenty dollars.

§ 30. This act shall take effect and be in force from and after its passage.

Approved April 5, 1888.

CHAPTER 874.

AN ACT to amend an act, entitled "An act to incorporate the Paducah and North Ballard Turnpike Road Company," approved March 1, 1872.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section 2 of said act be, and the same is hereby, repealed.

§ 2. That the width of said company's road shall not be less than twenty feet, fifteen feet of which shall be of gravel, of sufficient thickness to make a good substantial road-bed.

§ 3. In the event said company's road shall at any time be rendered impassable by reason of overflow or back water from the Ohio river, or from any other power or agency over which said company has no control, then, and in that event, said company shall have thirty days in which to put its road in repair after work can be commenced: *Provided*, That during the time said road is out of repair no toll shall be charged, and said company shall not be liable to prosecution or indictment, or suits for damages, by reason of its road being out of repair from the cause or causes, and for the time as provided herein.

§ 4. This act shall take effect from and after its passage.

Approved April 5, 1888

CHAPTER 876.

AN ACT to establish a board of county commissioners for Jefferson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That for the purposes hereinafter specified a board of commissioners, consisting of seven members,

<sup>Establishing
board.</sup>

is hereby constituted for the county of Jefferson. These seven members shall be chosen for one year in the following manner: Two of them shall be aldermen of the city of Louisville, and shall be elected by the board of aldermen in the month of December in each year by the new board; three of them shall be councilmen of said city, and shall be elected by the board of councilmen in the same month by the new board; two of them shall be justices of the peace from that part of the county lying outside of the city of Louisville, and shall be elected by the justices from that part of the county, called together for that purpose by the judge of the Jefferson county court on some day in the month of September in each year. For the first year the elections may be held as soon as practicable after the passage of this act, and the persons so chosen shall remain members until the regular elections are held as above.

Powers of commissioners.

§ 2. The board constituted as above shall have power over all subjects of expenditures connected with the court-house and jail, and the public records of the county, or any other subject or matter of which by law or contract the city of Louisville and county of Jefferson jointly bear the expense; and no contract shall hereafter be made concerning the same, nor any claim allowed or bill audited on any of these subjects, except by the board herein established. The payment of all claims allowed by said board shall be apportioned between the city of Louisville and the parts of the county outside thereof, in like manner as if this act had not been passed; and the contributions of either may be enforced in the same manner as heretofore provided for by law.

Limit of expenditures.

§ 3. The expenditures authorized by the board for any year (ending on the fifteenth of September thereof) shall not exceed a sum equal to five cents on the hundred dollars of the assessment of property in Jefferson county for State purposes in that year.

§ 4. The board shall meet in the county court-room of

the court-house of Louisville on the third Mondays of September and March of each year. The judge of the Jefferson county court shall preside, and have a casting vote in case of a tie. In his absence the board shall elect a chairman. The clerk of the county court or his deputy shall keep the minutes of the board, acting as its secretary free of charge. No contract shall be authorized or claim allowed without the concurrence of four members of the board. The board may adjourn from day to day or to a subsequent day. The members of the board shall receive five dollars a day for their attendance for not exceeding ten days in any one year; the per diem of the aldermen and councilmen to be paid by the city; that of the justices to be paid out of the county levy. It shall be the duty of the county attorney and city attorney to attend the meetings of the board to advise it, and to oppose any contracts or allowance which seem to them to be illegal.

§ 5. The first meeting of the board shall take place on the first Monday in June, 1888, at ten in the morning, and this act shall go into effect from its passage.

Approved April 6, 1888.

CHAPTER 877.

AN ACT to prohibit the sale of spirituous, vinous or malt liquors, and mixtures of same, and all bitters and nostrums that intoxicate, in a radius of one and one-half miles of Otter Creek Baptist Church, in Wayne county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter it shall be unlawful to sell spirituous, vinous or malt liquors, or mixtures of same, and all bitters or nostrums that intoxicate, within a radius of one and one-half miles of Otter Creek Baptist Church, in Wayne county.

53—LOCAL LAWS, VOL. 2.

§ 2. Any person or persons violating the provisions of section 1 of this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined one hundred dollars for each offense, to be recovered in any court having competent jurisdiction.

§ 3. This act to take effect from and after its passage.

[Became a law without approval of Governor April 6, 1888.]

CHAPTER 878.

AN ACT to prohibit the selling, loaning, giving or furnishing any spirituous, vinous or malt liquors, or any mixture thereof, upon the day of elections or political conventions in Calloway county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person or persons to sell, give, loan or furnish any person or persons any spirituous, vinous or malt liquors, or any mixtures thereof, either directly or indirectly, at or within one mile of any voting place on the day of any primary, county or State or national election, or upon any day of a political convention, in the county of Calloway.

§ 2. Any person or persons who shall violate the provisions of this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than thirty nor more than sixty dollars for each offense, to be recovered by proceedings in any court of competent jurisdiction.

§ 3. The provisions of this act shall not apply to sales made by wholesale dealers in quantities not less than thirty gallons.

§ 4. This act to take effect and be enforced from and after its passage.

[Became a law without approval of Governor April 6, 1888.]

CHAPTER 879.

AN ACT to provide for keeping certain turnpike roads in repair in Shelby county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That upon the application to the county judge of Shelby county by the president or any three directors of any turnpike road in said county, to which road said county may have given, or may hereafter give, aid by subscription in the building thereof, and setting forth in such application, under oath, that no tolls are then being collected for travel on such road, or that the net receipts of same are insufficient to keep it in good condition for public travel, and a majority of the stockholders in said turnpike road voting having agreed, by vote taken under the supervision of the president and directors of same, should agree to forfeit their charter and all rights to said road, either individually or collectively, said county judge is hereby empowered, and it is made his duty, to cause to be laid off into suitable and convenient districts the territory contiguous to such turnpike road, and he shall appoint a supervisor as in other county roads; be *ex officio* the surveyor of such turnpike road; and shall have, in each and all the said districts of his road, all the powers, and shall be subject to all the duties, penalties, and liabilities as surveyors of county roads now are or hereafter may be subject to. Such persons as reside or own land in said districts, and who may be by law subject to work on roads, shall be liable to work on the said turnpike roads upon two days' previous written notice from the surveyor. Any person owning land in said districts, who are by law exempt from work on county roads by reason of age, sex, etc., shall nevertheless furnish a hand in his or her stead to work on said turnpikes. Also any person owning land or a

non-resident owning land in a district, for each fifty acres, and each fraction over twenty-five acres, owned by the said party in said district, shall furnish each day of work ordered by the surveyor a wagon and team of two horses, or a plow and team of two horses, or two dollars (\$2) in money, to be used and applied to the work on and improvement of such turnpikes. Said wagons, plows, teams and money to be furnished without compensation or charge to said surveyor, and subject to his control and application; and all herein required to work or furnish wagons, plows, teams or money on said roads, and who shall fail so to do when required and notified by written notice by the surveyor or for him, shall be subject to the same penalties for failure as is provided by law for failure to work on county roads. And all fines and forfeitures of a district shall be applied to the improvement of the roads of said district, after the surveyor has received one dollar per day for days of actual service. And no work done, or wagons, plows, or teams furnished, on any such turnpike roads, shall be a charge against Shelby county or any one.

§ 2. If any such turnpike road upon which no tolls are collected shall become unfit for public travel, and shall so remain for ten days or more, the surveyor appointed under this act shall be subject to the same fines and penalties as are now the county supervisors of roads. This act shall have no application to any road to which said county shall not have given aid in the construction thereof. The fines against said roads and surveyors to be recovered as fines now are against surveyors of county roads.

§ 3. The act, entitled "An act to provide for the working of certain turnpike roads in Shelby county," approved April 4, 1884, and all other acts or laws in conflict herewith, are hereby repealed.

§ 4. This act shall take effect from and after its passage.

[Became a law without approval of Governor April 6, 1888.]

CHAPTER 860.

AN AOT to prohibit the sale of spirituous, vinous or malt liquors, or any mixture thereof, within one-quarter of a mile of the Methodist Mission Church near Owensboro, in Daviess county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person to sell, give, furnish, or trade to another person, within one-quarter of a mile of the Methodist Mission Church near Owensboro, in Daviess county, any spirituous, vinous or malt liquors, or any mixture thereof, in quantities less than one quart, except he be a *bona fide* druggist, and then only upon the prescription of a regularly physician.

§ 2. Any person who shall violate the provisions of this act shall be punished by a fine of not less than twenty dollars and not more than one hundred dollars for each and every offense; and may be tried and fined before any court of competent jurisdiction within said county.

§ 3. *Provided*, That nothing in this act shall apply to the sale of spirituous, vinous or malt liquors with the corporate limits of the city of Owensboro.

§ 4. This act to take effect and be in force from and after its passage.

[Became a law without approval of Governor April 6, 1888.]

CHAPTER 881.

AN AOT to prohibit the sale, give or furnish of spirituous, vinous or malt liquors within a radius of one mile of Pleasant Grove Baptist Church, in Clay county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person to sell, give or furnish, in quantities less than twenty gallons,

and then not to be drunk on the premises or adjacent premises, any spirituous, vinous or malt liquors, or any mixture thereof, to any one within a radius of one mile from Pleasant Grove Baptist Church house, in Clay county, Kentucky, except for sacramental purposes.

§ 2. Any person who shall be guilty of the violation section 1 of this act shall, on conviction, be guilty of a misdemeanor, and fined not less than twenty-five nor more than fifty dollars for each offense, to be recovered by warrant before any justice of the peace of said county, or before the judge of the Clay quarterly court, or by indictment of the grand jury.

§ 3. This act shall take effect from its passage.

[Became a law without approval of Governor April 6, 1888.]

CHAPTER 882.

AN ACT to prohibit the sale of spirituous, vinous or malt liquors, or a mixture of either, or hard or fermented cider, in Spurlington, or within three miles thereof, in Taylor county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person or persons in the town of Spurlington, or within three miles thereof, in Taylor county, Kentucky, to sell spirituous, vinous or malt liquors, or a mixture of either, or sell hard or fermented cider.

§ 2. Any persons violating the provisions of this act shall be fined not less than twenty-five nor more than fifty dollars for each offense, and each sale shall be deemed a separate offense.

§ 3. This act shall take effect and be in force from and after its passage.

[Became a law without approval of Governor April 6, 1888.]

CHAPTER 883.

AN ACT to amend an act, entitled "An act amending and reducing into one the several acts relating to the town of Scottsville," approved February 28, 1860, and the amendments thereto, and relating to the police court of said town.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the act approved April 27, 1880, entitled "An act to amend an act, entitled 'An act amending and reducing into one the several acts relating to the town of Scottsville,'" approved February 28, 1860, be, and the same is hereby, repealed.

§ 2. That all of section 4 of an act, approved April 2, 1884, entitled "An act amending and reducing into one the several acts relating to the town of Scottsville," approved February 28, 1860, and the amendments thereto, is hereby repealed, save and except the words: "And the said judge of the police court shall hold regular terms on the fourth Monday in each month for the trial of civil cases."

§ 3. That sections 11 and 19 of the aforesaid act, approved February 28, 1860, are hereby re-enacted, save and except the words of said nineteenth section, to wit: "In the months of March, June, September and December in each year, to be fixed by the county judge," which words are stricken out, and in lieu thereof the following words are inserted as part of said section, to wit: "On the fourth Monday in each month."

§ 4. That all acts or parts of acts in conflict with this act are hereby repealed.

§ 5. This act shall take effect and be in force from and after its passage.

Approved April 6, 1888.

CHAPTER 884.

AN ACT to create a board of commissioners in Martin county, to prescribe their powers and duties, and to authorize them to issue bonds of said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That there shall be, and is hereby, established in Martin county a tribunal, to be styled "The Board of Commissioners for Martin County," which shall consist of three members, to be elected on the first Monday in August, 1889, by the qualified voters of Martin county. The comparison of the votes and certificates of election shall be by the same board of officers appointed by law for that of county judge. After the first election the persons first elected shall, on the first Monday in October succeeding their election, meet at the court-house in the town of Eden, when they shall qualify and immediately enter upon the duties of their office as herein imposed upon them.

§ 2. The term of office of said commissioners shall be three years, or until their successors are duly elected and qualified.

§ 3. Said board of commissioners shall hold their first meeting on the first Monday in October, 1888. The said commissioners, before acting as such, shall be sworn (in addition to the constitutional oath) to faithfully perform the duties of said office as herein set forth; and each shall execute before the Martin county court a bond to the county of Martin in a sum not less than two thousand dollars each, with solvent surety, for the faithful performance of the duties as commissioners under this act. After the expiration of the term of office of the present treasurer of Martin county, the said commissioners, at their next regular meeting, shall appoint a treasurer for Martin county, who shall hold his office for twelve

months from the first Monday in October, in 1889, and until his successor is duly elected and qualified, and annually thereafter, on the first Monday in October, said commissioners shall elect a county treasurer.

§ 4. The treasurer shall have the custody and hold all money belonging to said county subject to disbursement as herein set forth, and shall execute bond to the county of Martin in a sum not less than five thousand dollars, with two or more sureties, in the aggregate worth in real estate double the amount of said bond over and above all indebtedness and exemptions from execution, conditioned for the safe-keeping and disbursing of all money coming to his hands, and for the faithful performance of his duties as treasurer aforesaid; and further, he shall be sworn to a faithful performance of his duties as such treasurer; said bond to be approved by the county judge of said county, and attested by the county clerk, and by him recorded with the proceedings of said board of commissioners and safely kept in the county clerk's office. County judge shall require an additional bond and sureties when he may deem it necessary, and shall do so when said treasurer has or is about to have a greater amount of money belonging to said county in his hands than is perfectly secured by former bonds. The original bond as herein contemplated shall be filed in the county clerk's office, and suit may be brought on the same, from time to time, by and in the name of the county of Martin, or any person injured by any breach of said bond in any of the courts of Martin county having jurisdiction of the sum claimed in said suit. The treasurer shall receive a reasonable allowance for his services as treasurer, to be fixed and allowed by the board of commissioners, payable out of the county levy.

§ 5. The county judge shall be *ex officio* a member of the board of commissioners. He shall attend all the meetings of said board, and by virtue of his office

shall preside as chairman of said board, and as such shall sign all of the orders and records of their proceedings; he shall not vote on any question pending before said board, except in case of a tie vote; he shall then give the casting vote; and in the absence of the county judge, or upon his failure from any cause to be present and so preside at any meeting of said board of commissioners, they shall then select one of their number to preside as chairman *pro tem.*, who shall perform the same services and exercise the same power and authority to the same extent as the county judge would if he were present.

§ 6. The county clerk shall be clerk of the board of county commissioners, and under the orders thereof shall procure all record-books, in which he shall keep a full and detail record of all proceedings of any and all meetings of any or all said commissioners; and he shall keep said books fully and carefully indexed and preserved among the records of Martin county, at the clerk's office in said county. These books shall be paid for on order of said board out of the county levy of said county.

§ 7. All meetings of said board shall be held at the court-house in Eden, the regular meetings of which shall be on the first Mondays in October, January, March, and June in each year. The county judge shall preside over the meetings of said commissioners; and he may call an extra session of said board on his own motion, or upon the application of two of said commissioners. At all of such meetings at least two of said commissioners, together with the county judge, shall be present to form a quorum to do business. The said session of said commissioners shall not continue longer than five days at each quarterly session.

§ 8. Contested election of said commissioners shall be tried and decided in the same manner and by the same board as is authorized by law for those of county judge.

§ 9. The per diem of the board of commissioners

shall not exceed three dollars each per day, necessarily spent in the transaction of said business, to be fixed by said board and paid out of the county fund.

§ 10. The sheriff shall, by himself or deputy, attend on said board, and execute all of its summons and orders required to be executed, and shall be allowed fees therefor as allowed by law for such services in the county court, which shall be paid out of the county fund.

§ 11. The said board of commissioners shall have exclusive original jurisdiction in the same manner and to the full extent and authority to exercise all of the powers and transact any and all business heretofore transacted by the court of claims, or that may hereafter be given by general enactment to the court of claims in this Commonwealth, and shall be governed by and subject to the same laws and penalties, when not otherwise provided for in this act; and all acts or parts of acts creating a court of claims applicable to the county of Martin are hereby repealed and held for naught, so far as they apply to the county of Martin, to take effect as soon as said commissioners are elected shall qualify.

§ 12. It shall be special duty of the said board of commissioners to take charge of the county buildings and property of every description; also all of the county roads and bridges in said county, and preserve the same from waste; and when it is necessary to build or repair, or in any way improve any of said buildings or property belonging to said county, or to build or repair any bridges and the approaches hereto, on any county road, which shall require a sum of money to do the same, said commissioners shall immediately cause the erection of all such buildings, bridges, approaches, or repairs thereon as may be necessary, at the expense of the county.

§ 13. For the purpose of carrying out the objects set forth in this act, and for the purpose of paying the present outstanding indebtedness of said county

that is now due, or is hereafter to become due, and for the purpose of erecting, remodeling or repairing any public buildings or bridges, and other necessary improvements for said county, the said commissioners are hereby authorized and empowered to use the bonds of said county in amount not exceeding ten thousand dollars, and to borrow such sums of money to accomplish such purpose. Said bonds so issued shall have coupons attached, and shall bear interest at a rate not exceeding six per cent. per annum, such interest to be paid annually or semi-annually, as agreed upon and set forth in said bonds, the said commissioners drawing their order upon the treasurer of said county for the same; and the treasurer shall pay the same out of any funds in his hands subject to said order; said bonds shall be negotiable and payable to bearer, and shall not be issued and sold at less than par, and they shall not bear interest until they are issued and the county has value received.

§ 14. The bonds so issued shall be signed by the county judge and commissioners, or any two of said commissioners, and countersigned by the county clerk under the seal of said county court, in sums not less than fifty dollars nor more than one thousand dollars each, and to become due and payable at any time within five, ten or fifteen years from their date, the coupons being signed by the county clerk alone; and each of the said bonds shall distinctly specify the object for which they were issued. All bonds issued under this act shall be correctly numbered in the order which they are issued, and registered by the county clerk by him in a book provided and kept for that purpose in the county clerk's office at Eden; and all orders drawn upon the treasurer for the payment of the principal or interest of said bonds shall specify the fund on which they are drawn, and shall also be recorded in said book; and when the clerk shall deliver to the holder of any such bond an order on the treasurer for the final redemption of same, he shall receive

such bond, and forthwith write across the face of the same, in red ink, the word "redeemed," and date the same and sign his name thereto. The treasurer, upon receiving such order, which shall contain the number of the bond for the redemption of which the order was drawn, shall, within three days, proceed to the clerk's office, and there, in the presence of said clerk, write in red ink, across the face of the registry of such bond, "redeemed," the proper date, sign his name thereto, when the clerk shall deliver to him the original bond duly canceled, for which, together with all orders he has paid for interest, he shall be credited in his annual or semi-annual settlement with said commissioners. All orders drawn upon the treasurer by the commissioners shall be registered by said clerk before he shall countersign the same; and it is especially provided that the outstanding indebtedness of Martin county shall not, in any event, exceed the sum of twenty thousand dollars at any one time.

§ 15. The board shall annually, at the time they make the annual appropriations for the current expenses of the county, set apart and appropriate such additional amount as will pay the interest on all bonds issued, and at least five hundred dollars of the principal, which shall be sacredly held and applied to the payment of the present bonded indebtedness of Martin county, and to the interest, and to no other purpose.

§ 16. And to provide for the payment of any bonds that may hereafter be issued in pursuance of this act, and interest on the same, the board of commissioners of Martin county are hereby authorized and empowered to levy an ad valorem tax on all real and personal property in Martin county which is assessed and subject to taxation for revenue purposes. The tax herein authorized shall be levied at their October meeting, from year to year, in any sum they deem necessary for the purpose named in this act, not to exceed fifty cents on each one hundred dollars' worth of taxable property in Martin county in any one year. The board

of commissioners shall, annually, at the time they shall levy other taxes, impose or levy a capitation tax, in any sum not exceeding three dollars, upon each male citizen of Martin county over twenty-one years of age, to be used for county purposes.

§ 17. That the sheriff of Martin county is hereby empowered to collect and account for all tax, of whatever description, that may be levied by the board of commissioners for said county under the provisions of this act, in the same manner as the State revenue taxes are now collected and accounted for by law. He shall have the same right to distrain and sell property therefor; and shall pay over to the treasurer of said board of commissioners all moneys thus collected or in any way belonging to said county, which money shall be kept and held by said treasurer, subject to the order of said board of commissioners, signed by the county court clerk, which said treasurer shall pay upon proper vouchers and orders to the persons entitled thereto, for which said treasurer shall receive a credit in his annual or semi-annual settlement with said board; all of which vouchers shall be numbered and registered in a book kept for that purpose by the county clerk; and the bond executed by the sheriff shall cover the said taxes thus to be collected and paid over, upon which bond he and securities shall be liable therefor in the same manner they are liable for the State revenues; and he shall receive for collecting said taxes a compensation not exceeding that allowed by law for collecting the State revenues: and if any sheriff, whose duty it is to collect taxes levied under this act, shall fail or refuse to execute bond as required by this act on the first Monday in January in each year in which said taxes is to be collected, he shall forfeit his office. And the county court of said county, composed of the county judge alone, shall appoint a collector for said year, who shall execute bond with sureties, and have all the powers, and be subject to all the duties and liabilities, of the sheriff in collecting taxes under this act.

§ 18. The said board of commissioners shall require the treasurer of the county, and the sheriff or collector of the county, to make annual or semi-annual settlements of their accounts with the county at or on a day or days to be fixed by said commissioners. All acts or parts of acts heretofore enacted by the General Assembly of the Commonwealth of Kentucky, authorizing the Martin county court of claims to levy an ad valorem tax upon the real or personal property in said county, or a capitation tax, is hereby repealed.

§ 19. After the passage of this act, the Secretary of State shall furnish the clerk of the Martin county court with three copies of the General Statutes and three copies of the Session Acts of the Legislature for 1888, and copies of any other books which the other county officers are furnished by the State, for the use of the commissioners of said county; and the clerk shall, immediately on the receipt of such books, deliver to each of said commissioners a copy of each of said books, for use during their term of office, who shall, at the expiration of their respective terms of office, deliver all such books or other public property to their successors in office.

§ 20. Appeals may be taken from the board of commissioners on all matters as are now allowed from the county court of claims, and in the same manner, under the general laws of the Commonwealth, to the circuit court of Martin county, where the amount in controversy is not less than twenty-five dollars.

§ 21. The board of commissioners shall have full control of the poor of Martin county, to the same extent the court of levy had over same. The manner of keeping the poor is left entirely to the board of commissioners.

§ 22. All acts or parts of acts in conflict with this act are hereby repealed.

§ 23. That James Crum, J. D. Barrett and James M. Stepp, be, and they are hereby, appointed commissioners, as provided by this act, until the first Monday in

August, 1889, and they shall hold their said office until their successors are elected and qualified; and they are required to execute bond and perform all the duties as required by the provisions of this act.

§ 24. That this act shall take effect from and after its passage.

Approved April 6, 1888.

CHAPTER 885.

AN ACT to incorporate the Hardin County Fair Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the present Hardin County Fair Association, in the county of Hardin, represented by F. M. Joplin, president; E. N. Bland, vice-president; J. A. Kinkeade, secretary and treasurer; F. M. Joplin, E. N. Bland, J. A. Kinkeade, T. B. Carter, S. G. McDougal, R. S. Duvall, H. C. Hays, R. B. Park and W. H. Gardiner, directors, be, and the same is hereby, created a body-corporate and politic forever, with perpetual succession, under the name and style of the Hardin County Fair Association; with power to sue and to be sued in all courts in this Commonwealth, plead and be impleaded, and capable of acquiring, by purchase or otherwise, personal and real estate; to hold, use and enjoy the same, together with any and all such property it may now own or possess; to improve, sell and convey the same, or any part thereof, at pleasure; to have and to use a common seal, and to alter and change the same at pleasure.

§ 2. The capital stock, eight thousand dollars, of said company shall be divided into shares of twenty-five dollars, or into shares of such value as said company may determine upon, not to exceed one hundred dollars per share; and the said company shall have

the right to increase its capital stock to thirty thousand dollars.

§ 3. The officers of said company shall consist of a president, vice-president, twelve directors, secretary and treasurer, to be chosen by the stockholders of said company, at an annual meeting of said company, to be held during the month of October of each year, and may choose their officers from the board of directors. The stockholders shall vote by shares, in person or by written proxy. Said officers so elected shall hold their office for one year, and until their successors shall have been duly elected and qualified. And no person shall be eligible to any of said offices who is not a stockholder in said company. ^{a Officers and directors.}

§ 4. The fiscal, prudential and other affairs of said company shall be under the control and management of the president and board of directors; and said president and board of directors may hold annually, at their grounds near Elizabethtown, or oftener if they desire so to do, and at such times as they may deem best, fairs for the exhibition of stock, agricultural and mechanical implements and products, and such other articles as the board of directors may permit to be exhibited; and for the trials of speed of men and horses, for trotting, running or pacing, awarding such premiums as they may deem proper; and may rent out their grounds for any purpose they deem best: *Provided*, The same is not inconsistent with the Constitution and laws of this State.

§ 5. This company shall have all the rights and privileges of the Latonia Agricultural Association, of Kenton county, and the Louisville Jockey Club.

§ 6. The board of directors shall have the power to make such rules and regulations and by-laws as they may deem necessary for interest and benefit of said fair company, not inconsistent with the Constitution and laws of this State; with power to change or alter ^{Rules and by-laws.}

them, and with full power to enforce the same ; they may fix the rates of entries for all exhibitors, and for running, trotting or pacing in trials of speed, and regulate and charge fees for spectators, and have full power and authority to collect the same ; they shall have power to appoint as many policemen or watchmen as they may deem necessary, who shall have the power to arrest all disorderly persons, to preserve good order and keep the peace, and for this purpose said policemen or watchmen shall be clothed with the same power that constables and sheriffs of this Commonwealth may have. All persons so arrested by them shall be forthwith brought before some magistrate or police judge to be dealt with according to law.

Vacancy.

Licenses.

§ 7. The board of directors shall have the power to fill any vacancy that may occur in the board of directors or in the offices of secretary and treasury ; and they shall have power to license peddlers and performances upon their grounds, and the sale of any article thereon, and to permit, in their discretion, the sale of spirituous, vinous or malt liquors on said grounds ; but no person or persons shall be allowed to sell any of said liquors, except as he or they may have a coffee-house or tavern-keeper's license ; and said privilege shall only be used while fairs or exhibitions are being held ; and said directors shall have power to restrain all such persons who do not obtain a permit or license from said company for such purpose.

Certificates of stock.

§ 8. The board of directors shall provide for the issuing stock certificates to the stockholders in said company ; and said stock shall be held as personal estate, and shall be transferable only on the surrender of the certificate therefor ; but provision shall be made for such transfer in case of loss of a certificate, upon proper notice being given to the public and indemnity to the company.

§ 9. The stockholders in said company shall not be

liable personally for any debt or liability of the com- Liability of
stockholders.
pany.

§ 10. All contracts shall be signed by the president and countersigned by the secretary, and have the seal of the company affixed thereto.

§ 11. Called meetings may be held at any time by order of the board of directors, notice of which shall be duly given.

§ 12. The board of directors shall have power to borrow money in the name of the company for all necessary purposes, but in no event shall they have authority to borrow a greater sum than one-third of the capital stock.

§ 13. The president, vice-president and three directors shall be a quorum for the transaction of all business for said company, unless said company shall require and fix a different number.

§ 14. The company may at any time, a majority of the stockholders consenting, sell and dispose of their franchises and powers under this act.

§ 15. All conveyances of land by the company shall be acknowledged by the president, vice-president and secretary.

§ 16. The present officers of said company shall manage and control the affairs of said company until the next annual election of officers, and until their successors shall have been elected and qualified.

§ 17. This act shall take effect from and after its passage.

Approved April 6, 1888.

CHAPTER 886.

AN ACT to amend an act, entitled "An act to reduce into one, and to repeal the present charter of the town of Nicholasville, and the several acts amendatory thereof," approved February 29, 1884.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section 3 of the act to which this is an amendment be, and the same is hereby, amended by striking out the word "one," in the fourth line of said section, and inserting in lieu thereof the word "two," and by striking out of the fifth line thereof the word "two," and inserting in lieu thereof the word "one."

§ 2. This act shall take affect from and after its passage.

Approved April 6, 1888.

CHAPTER 888.

AN ACT to amend the charter of the Owingsville Cemetery Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the board of directors of the Owingsville Cemetery Company shall have the same right and power to condemn for an avenue, from their cemetery grounds to any public highway, turnpike or street, or for sufficient land adjoining their cemetery for the use of a sexton's residence, not exceeding two acres, as is now possessed by turnpike road companies under the statutes for condemning lands for turnpike purposes.

§ 2. This act shall take effect from and after its passage.

Approved April 6, 1888.

CHAPTER 889.

AN ACT to amend the charter of the town of Franklin, Simpson county.

WHEREAS, In sinking the public wells on the public square of said town of Franklin, streams of excellent mineral water was obtained, the use of which has become so general as to require the expenditure of money on, and for the improvement of, said well ; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the board of council of the town of Franklin shall have the right to appropriate of the funds of said town a reasonable amount thereof to be expended upon, and for the public wells on the public square of said town.

§ 2. That said money shall be appropriated and paid out only as other funds of said town are.

§ 3. That the board of council shall have power to pass such ordinances as they may deem necessary for the government of said wells: *Provided, however,* They do not affect in any way the right or rights that any citizen of Simpson county may have in said wells, by reason of their being upon the public grounds.

§ 4. That no ordinance shall be passed by said board of council imposing a tax upon the mineral waters from said wells that may be shipped out of the county, except it be passed subject to the approval of the county court.

§ 5. This act shall take effect from and after its passage.

Approved April 6, 1898.

CHAPTER 890.

AN ACT to change the boundary line between common school districts No. 22 and No. 32, in Simpson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the boundary line between common school districts No. 22 and No. 32, in Simpson county, Kentucky, be, and the same is hereby, changed and established so as to include W. M. Justice, O. M. Stringer, A. Yates, and L. S. Yates, and their residences, in said common school district No. 22, instead of No. 32.

§ 2. That this act shall take effect and be in force from its passage.

Approved April 6, 1888.

CHAPTER 891.

AN ACT to charter the McBride's Run and Concord Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Sanford Rice, William Owens, Benjamin Henry, Joseph Bell and Robert Huddleson, and their successors, be, and they are hereby, created a body-politic and corporate, under the name and style of "The McBride's Run and Concord Turnpike Road Company;" and by said name and style shall have perpetual succession, and power to contract and be contracted with, sue and be sued, plead and be impleaded, in all the courts of this Commonwealth; and said corporation shall have all the privileges and franchises incident to a corporation, and shall be capable of taking and holding, by purchase or gift, all such real or personal property as may be necessary for the prosecution of its work or the objects of this corporation.

Names of incorporators and corporate powers

§ 2. The capital stock of said company shall be divided into shares of fifty dollars each, and the entire capital shall not exceed fifteen thousand dollars. Capital stock.

§ 3. The aforesaid named persons are hereby empowered to receive subscriptions of stock to said company, and they may each open books and receive subscriptions at any time and place after the passage of this act, and so continue until a sufficient amount of subscription is obtained to complete said road; and they may take subscriptions on any condition expressed in writing. Subscriptions of stock.

§ 4. When the above-named persons think a sufficient quantity of stock has been taken to justify a commencement of work, they, or such of them as may act, shall call a meeting of the stockholders and hold an election for president and five directors for one year, or until their successors are elected and qualified; and thereupon work may commence upon said road under their superintendence and control. Meetings of stockholders.

§ 5. The president and directors shall elect one of their number treasurer, who shall execute bond with approved security, and be responsible for all money received by him for said road, and shall pay out the same as directed by the president and directors, and keep a record of all his transactions as said treasurer for said company. Treasurer.

§ 6. The board of directors, consisting of the president and five directors, shall keep a record of all their proceedings, which shall be open to the inspection of the stockholders, or any of them, at all times; and that the treasurer shall act as secretary of said board. Shall keep record of proceedings.

§ 7. The board of directors shall have all the powers, rights and privileges, and may do all things and acts necessary for letting, constructing and completing said turnpike road, and locate and determine its width and grade on such route as they deem proper, beginning at a point at or near the gate of John T. Sims, on the Carlisle and Plum Lick Turnpike Road; thence by a practicable route to or near the Concord Power of board.

Church ; thence by a practicable route to the mouth of Slickaway.

Toll. § 8. That the toll charged on said turnpike shall be the same as provided in the General Statutes of Kentucky ; and when two and one-half miles are completed, a toll-gate may be erected and toll collected.

When stock to be paid. § 9. The stock subscribed by individuals shall be paid at such times, and in such manner, as may be required by the board of directors.

Writ of ad quod damnum. § 10. Should said turnpike company be unable to obtain the right of way by gift or purchase, it shall be entitled to a writ of *ad quod damnum*, as is now provided for by law.

County subscription. § 11. The county of Nicholas, through its proper officers, may subscribe stock to the capital stock of said company, in accordance with the turnpike law governing said county.

§ 12. This act shall be in force from and after its passage.

Approved April 6, 1868.

CHAPTER 892.

AN ACT to amend an act, entitled "An act to create the office of county treasurer for Grant county," approved March 7, 1862.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

County judge to appoint treasurer. § 1. That it shall be the duty of the county judge for Grant county, at any special or regular term of the county court, before the regular October term thereof for 1868, to appoint some sober, discreet person county treasurer for said county, who shall, before he enters upon the duties of his office, take the oaths of office required by the Constitution of this State, and shall, in addition thereto, swear (or affirm) that he will faithfully discharge the duties of the office of county treasurer according to law, so long as he shall continue in office ; and he shall execute bond

for the faithful discharge of all the duties of his office in the sum of thirty thousand dollars, with three or more sureties, to be approved by said court, conditioned that he will faithfully and honestly perform and discharge the duties of said office according to law, and pay over all moneys which may come to his hands by virtue of said office to the person or persons entitled thereto, and that he will, at the expiration of his term of office, deliver all money held by him as aforesaid, and all books and papers belonging to his office, to his successor in office.

§ 2. That it shall be the duty of the county treasurer for said county, in the month of April of each year, to make a final settlement with the sheriff, or any county collector for said county, on account of all money which has come, or ought to have come, to his hands for turnpike sinking fund taxes; for sinking fund taxes issued to raise funds to pay outstanding indebtedness of the county; for taxes authorized by law to raise a fund for bridge purposes in said county, and for all other county taxes which have or may be levied by virtue of any law for the preceding year. He shall make separate settlements with said sheriff, or other collecting officers, for each of said funds, in which he shall charge said officer with the amount of each of said funds, and credit him with such credits as may be properly chargeable to each of said funds, and show the balance, if any, due and owing by him on account of each of said funds, and report said settlements to the county court at its next succeeding term for its approval and confirmation.

§ 3. That upon the confirmation of said report of settlement as to any of said funds by the county court, it shall be the duty of the sheriff or collector of said county, without demand, to pay to said county treasurer any and all balances owing by him upon said settlement as confirmed, on account of either of said funds, and at which time he shall designate on what fund he pays the same; and upon his failure

Duty of county
treasurer.

Duty of sheriff
and collector

to pay to said treasurer, within ten days after the confirmation of said report or reports as aforesaid, he and his sureties shall be liable to be proceeded against for said fund so found due and owing by said settlement, with interest from the confirmation of said settlement and damages at the rate of ten per cent. on the amount due and owing and costs, to be recovered by motion in the Grant county court, or by suit in any court of competent jurisdiction, ten days' notice of such motion or suit being given.

Treasurer to
make settlement
with sheriff.

§ 4. That it shall be the duty of the county treasurer for said county, in each year, and at the time required by law, to make a settlement with the sheriff or collector of said county for the county levies collected, or which ought to have been collected, from the tithables of said county, and report the same to the county court at its next succeeding term for approval and confirmation; and it shall be the duty of the sheriff or collector, within ten days after the confirmation of the said report by the county court, to pay to the county treasurer any and all sums of money found due and owing the said county upon said settlement as confirmed by said court; and upon his failure to pay at the time aforesaid, he and his sureties shall be liable for ten per centum damages upon the amount so owing and unpaid, and the said balance so found due and owing, with interest from the confirmation of said report; and the debt and damages aforesaid may be recovered by motion or suit in any court of competent jurisdiction in the name of the Grant county court. But nothing in this act shall prevent the sheriff from paying claims allowed by the county court and ordered to be paid by the sheriff, as now provided by the general law concerning the county levy.

Treasurer shall
keep separate
accounts with
sinking fund.

§ 5. That the county treasurer shall keep separate accounts with the sinking fund taxes raised to pay the county bonds issued and sold to pay the outstanding indebtedness of the county, the turnpike

sinking fund taxes, the bridge tax, and the county levy. He shall not use any of the funds or money levied and collected for either of said funds to pay any part of the liabilities of the county on account of either of the other funds hereinbefore mentioned; but it shall be the duty of said treasurer to credit each liability property to each fund to which it belongs, any order of the county court or other authority to the contrary notwithstanding.

§ 6. That it shall be the duty of the county treasurer of said county to receive and safely keep the county bonds which may hereafter be issued for sale to raise the turnpike sinking fund tax, or to pay the outstanding indebtedness of said county, or to raise a fund for the purpose of building or paying for bridges in said county, or which may be issued by said county court by virtue of any law whatever, until the same shall be sold and delivered to the purchaser or purchasers thereof; and when said bonds shall be sold, it shall be his duty to receive and safely keep the money arising therefrom, and disburse and pay the same as required by law. It shall be his duty to sell said bonds whenever said county court shall direct, at public auction to the highest bidder, before the courthouse door in Williamstown, for cash; but before making said sale, at any time, of any of said bonds, it shall be his duty to advertise the time, place and terms of said sales by at least two weekly insertions in at least one newspaper published in said town, and by printed posters in at least ten of the most conspicuous public places in Grant county for at least fifteen days before the day of such sale: *Provided*, That he shall make no sale of any of said bonds at such sale unless he can procure the face value of said bonds with the accumulated interest thereon: *And provided further*, That if he shall not be able at said public sale to sell said bonds upon the terms aforesaid, it shall be his duty to put the same upon the market and to sell the same, or any part thereof, at private

Treasurer to receive and keep county bonds.

sale, in or out of the county, to whomsoever will purchase the same: *Provided*, At any such sale he can procure the face value of said bonds and the accumulated interest thereon. And whenever he shall sell said bonds, or any part thereof, it shall be his duty to report the same immediately to the county court, giving the number and amount of each bond sold, to whom sold, and the price sold for; and said report, when approved by the county court, shall be recorded by the clerk of said court in a book to be furnished by him, and paid for out of the county levy; and copies of said reports shall be evidence in all courts of this State.

§ 7. That the county treasurer of said county shall be allowed, and shall receive for his services in selling said county bonds, not more than one per cent. upon the amount of each sale, to be determined and allowed by the county court. For making each settlement required to be made by him with the sheriff or collector, the sum of five dollars; for collecting, safely keeping and disbursing all money which may come to his hands by virtue of his said office, not less than one nor more than two per cent. upon the amount received and disbursed by him; said fees and commissions to be paid out of the fund for which the services may be rendered.

§ 8. That it shall be the duty of the county treasurer of said county, in the month of September, and at such other times as the court may require in each year, to settle his accounts with the county judge of said county for all funds which may have come to his hands by virtue of his office, and it shall be the duty of said judge in making said settlements to make a separate settlement for each fund received and held by the said treasurer; and at the court of claims, in the month of October of each year, it shall be the duty of said judge to report to the county court his settlements made with the treasurer, showing the amount received by the treasurer for each fund sepa-

Compensation of
treasurer.

Treasurer to
make settlement
with county
court.

rately, and the amount paid out by him on account of such fund, and the balance, if any, then in the treasurer's hands belonging to each fund or the county, which said reports, when approved by the court, shall be recorded by the clerk of said court.

§ 9. That it shall be the duty of the treasurer of said county to receive from and receipt to the county judge and county clerk for all county bonds of said county which may be issued by them by virtue of any law whatsoever, and to designate in said receipt the number and amount, and the purpose for which each bond received by him was issued ; and it shall be the duty of the clerk and judge to report to said court their proceedings in each instance, together with the receipt of the treasurer ; and when said report shall be approved by the court, it shall be the duty of the clerk of said court to record said report and receipt, and safely preserve and keep them among the records of his office.

Treasurer to receipt to county judge and clerk for all county bonds.

§ 10. That all laws authorizing the sale of any county bonds by the county judge and county court clerk are hereby repealed.

Repeal of law authorizing sale of bonds by county judge and clerk.

§ 11. That it shall be the duty of the present county treasurer for Grant county, and any subsequent treasurer, as soon as his successor shall be appointed by the county court, as provided for herein, to make a final settlement of his accounts with the county judge for and on account of all moneys that may have come to his hands as treasurer, and deliver to his successor all books, papers, and records belonging to his office as treasurer ; and shall, upon order of the county judge, transfer all the public moneys in his hands to his successor, and take his receipt therefor ; and upon his failure so to do, shall be liable to a fine of twenty dollars for each day he fails to discharge his duty herein.

Treasurer to make final settlement when successor elected.

§ 12. That it shall be the duty of the county treasurer appointed under this act to keep his office in Williamstown, Kentucky ; but he shall not keep said

Office of treasurer, where to be kept.

office in the circuit or county court clerk's office, nor in the office of the county judge or sheriff; and for any violation of the provisions of this section he shall be liable to a fine of five hundred dollars.

When treasurer
to enter upon
discharge of his
duties.

§ 13. That the treasurer appointed for the regular term under this act shall enter upon the discharge of his duties the second Monday in October, 1888, and shall hold the office for two years, or until his successor is appointed and qualified. But this provision shall not prevent the county judge from immediately appointing some suitable person to hold said office until that time, when he shall again appoint a treasurer, and shall, each two years thereafter, appoint some proper person to said office, and take the bond provided for in this act.

Who not eligible
as treasurer.

§ 14. That neither the clerk of the county court, the circuit clerk, county attorney, sheriff, master commissioner, nor any other official custodian of other public moneys, shall be eligible to the office of county treasurer.

Treasurer to give
county attorney
notice of all set-
tlements.

§ 15. That it shall be the duty of the county treasurer to give the county attorney five days' notice of the time and place of making each and all the settlements provided for in this act; and it shall be the duty of the county attorney to attend and assist in making said settlements, or any of them; and it shall be his duty to resist any improper claims, allowances or credits to each or any of said officers; and he shall have power to file exceptions and resist the confirmation of such settlements in the county court.

§ 16. This act shall take effect from its passage, and repeal all laws or parts of laws in conflict with any of its provisions.

Approved April 6, 1888.

CHAPTER 893.

AN ACT to incorporate the Hodgenville Male and Female College.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Jacob Hubbard, C. D. Miller, J. R. Redmon, I. W. Twyman, G. D. Smock, E. Smith and C. C. Howard, and their successors and assigns, are hereby created a body-politic and corporate, under the name of the board of managers of the Hodgenville Male and Female College, and as such shall have perpetual succession, the right to sue and be sued, pleading and being impleaded; to contract and be contracted with, and to do and perform any and all other acts that may be legally done by natural persons.

Names of incorporators and corporate powers

§ 2. The aforesaid incorporators shall have the power to elect a president, board of five directors, treasurer and secretary, and such other officers as they think proper, in such manner as they may determine by their rules and by-laws.

Election of officers.

§ 3. The purposes of said school shall be to organize and maintain, in or near the town of Hodgenville, La-rue county, an institution of learning for the education of males and females, and to do all acts necessary and proper for the successful and efficient management and control of said school. They may, by the board of directors and president, employ teachers or professors, make all necessary rules, by-laws and regulations, for the government of said school, and do all other things necessary to secure a thorough course of English, industrial and scientific education in said school.

Purpose of organization.

§ 4. The incorporators or their successors may procure by subscription, devise, gift, purchase or lease, such property, real and personal, as may be necessary to the erection and equipping the college building, ornamenting its grounds, and providing school apparatuses, not exceeding the sum of twenty thousand dollars.

May hold property real and personal.

Exemption of private property. § 5. The private property of the stockholders shall be exempt from the payment of any liability of said corporation; but the directors shall be liable to the stockholders for the rent of the said school property, when the same is rented to a principal or president for school purposes.

Capital stock. § 6. The capital stock of said company shall be divided into shares of twenty-five dollars each, and each share of stock shall be entitled to one vote in the election of officers for the government or control of said institution.

Diplomas. § 7. The president and board of directors shall have power to confer degrees and grant diplomas, signed by the president, board of directors and faculty of said school.

Annual election of officers. § 8. The stockholders of said corporation shall annually, on the first Saturday in June of each year, in the town of Hodgenville, elect five directors, a president, treasurer and secretary. Said board of directors and president shall fill all vacancies in their body caused by death, resignation or otherwise. None but stockholders shall have the right to vote or hold office in said corporation.

§ 9. This act shall be in force from its passage.

Approved April 6, 1888.

CHAPTER 894.

AN ACT to incorporate the Paducah Trust Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Names of incorporators and corporate powers § 1. That James A. Rudy, Edwin Farley, J. C. Tully, and W. F. Paxton, and their associates, successors and assigns, are hereby created a body-politic and corporate, by the name of the Paducah Trust Company, with power to, in that name, contract and be contracted with, sue and be sued, plead and

be impleaded, answer and defend, in all courts whatever; and, to have and use a common seal, and to change the same at pleasure; and to make all necessary rules, regulations and by-laws for its government and the management of its business, not inconsistent with the laws of the State and the United States.

§ 2. The capital stock of said trust company shall Capital stock. be ten thousand dollars, with the rights and privileges of increasing the same to one hundred thousand dollars, and shall be divided into shares of one hundred dollars each. The shares of stock shall be personal property, and transferable on the books of the company according to its by-laws. Each share of stock shall entitle the holder to one vote, which may be in person or by proxy, at all elections and all meetings of stockholders.

§ 3. The persons named in the first section of this act shall act as commissioners to receive subscriptions Commissioners to open subscription books. of stock; and when the full amount of ten thousand dollars shall have been subscribed, and ten per cent. of the same paid in cash, the said corporation may proceed to business.

§ 4. The persons named in the first section of this act shall be the first board of directors, and shall First board of directors. organize by electing one of their number president; but if any of said persons shall fail or refuse to qualify or act, his or their place or places may be treated as vacant, and the vacancy or vacancies may be filled by the remainder; and all vacancies occurring at any time may be filled by the remaining members of the board of directors. An election for directors shall be holden once in each year from and after the expiration of one year after the organization, at the office of the company in Paducah, notice of which shall be given through the post-office to each stockholder, at least ten days prior to the day of election, or by notice printed in some paper of general circulation published in the city of Paducah. The board of directors shall

be composed of five stockholders, and they shall hold their office until their successors shall be elected and qualified, and the president shall be elected by said board and be one of the directors. The election of directors shall be held by three stockholders, two of whom shall certify the result, and said certificate shall be recorded in a book of the company.

May hold real
and personal
property.

§ 5. The said trust company may acquire, hold, possess, use, occupy and enjoy all real and personal property, goods, chattels and other things necessary or convenient for the transaction of its business, or which may be pledged or conveyed to it as security for any debt, loan or advance, or purchased by it in satisfaction, in whole or in part, of any debt, judgment or decree, and may sell and convey or otherwise dispose thereof as a natural person.

Number of di-
rectors and offi-
cers.

§ 6. The number of directors and officers may be increased at the pleasure and by a majority vote of the stockholders.

Certificates of
stock.

§ 7. No stock or certificate of stock shall be issued until fully paid for; but any subscriber may demand and receive stock in proportion to the amount he shall have paid upon his subscription: *Provided*, Said payment or payments shall have amounted to as much as one hundred dollars; but no stock or certificate of stock shall be issued for less than one hundred dollars.

May lease or
own buildings.

§ 8. Said company may lease, rent, build or purchase, from time to time, such building or buildings as may be necessary for the conduct of its business.

Fiduciary capac-
ity.

§ 9. Said company shall have power to act as trustee, agent or fiduciary, either by appointment of any court, or by contract, deed, will, power of attorney or proxy, in all matters wherein natural or individual persons could act.

May act as ex-
ecutor, adminis-
trator, guardian,
committee, etc.

§ 10. Among other powers of a fiduciary nature, it shall be lawful for said company to be appointed, and it may act as executor, administrator, curator, guardian of infants, committee of lunatics, receiver, as-

signee or other trustee, whether by appointment, by deed, will, power of attorney, or by order of court, or a judge of a court having competent authority; and any court or judge shall have the same power to make such appointment as to appoint a natural person, and may do so without surety, unless required by a party or parties in interest. It may receive and hold in trust estates, real and personal, including the notes, bonds, obligations and accounts of estates and individuals, of companies and corporations, private or public, and may in its fiduciary capacity purchase, collect, adjust and settle, sell and dispose of same, in this State or elsewhere. It may act as agent or attorney in the leasing, conveying and managing of real and personal estates, receiving and collecting rents and other moneys, in the issuing and countersigning certificates of stocks, bonds or other obligation of any corporation or municipality, State or public authority, and may receive and manage any sinking fund therefor, and may accept and execute and guarantee all such trusts of every description, not inconsistent with the laws of this State, as may be committed to it by any person or by any corporation, or by any court of record of this State.

§ 11. Funds coming into the hands of this corporation in its capacity as trustee, executor, administrator, curator, guardian of infants or committee of lunatics, shall be invested in such securities, at such rates of interest as they promise to pay, as are authorized by law for trustees, and from time to time shall be reinvested in the same. Such investments shall be primarily liable for the obligations of the company in its trust capacity, and shall not be liable for any other debt or obligation of the company until all its liabilities in regards to its trusts as aforesaid shall have been first discharged.

Investment of funds received in fiduciary capacity.

§ 12. In the exercise by said company of the powers herein authorized as guardian, executor, administrator, committee of lunatics, or of any office or duty

Duties and responsibilities in fiduciary capacity.

imposed by a court, said company shall be subject to the same duties and responsibilities, shall have the same powers, and receive the same compensation as may be fixed by law with relation to individuals holding offices of trust. The exercise of other powers and the performance of other duties by said company may be, as to compensation and otherwise, matters of contract with the parties interested.

Safe-keeping of
valuables.

§ 13. Said corporation is hereby empowered to receive for safe-keeping any valuables that may be intrusted to it, receipting for same by any of its officers designated by its by-laws so to do, and may guarantee such special deposits.

Limit to holding
of real estate.

§ 14. The said company shall not hold any real estate for a longer period than five years that has been conveyed to it as security for, or in payment for, any judgment, decree of court or debt due to it. The General Assembly shall have the right to, at any time, examine the affairs of this company by any officer, agent, or committee appointed for that purpose; and the judge of any court that has committed trusts to this company may request and shall receive a full and complete statement of such matters as have been committed to this company by it, and may exercise the same supervision over said company that such court might exercise over an individual.

§ 15. The private property of stockholders shall be exempt from corporate debts.

Duration of
charter

§ 16. This charter shall continue in force for a period of thirty years unless sooner surrendered by a majority vote of its stockholders. This bill shall be and continue in effect for thirty years from and after its passage.

Approved April 6, 1888.

CHAPTER 895.

AN ACT to incorporate the West Point Natural Gas Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That J. B. Withers, W. W. Fletcher, H. C. Rawlings, and R. H. Nevitt, their successors and assigns, be, and they are hereby, created a body-corporate, under the name of the West Point Natural Gas Company; and by that name shall have perpetual succession, and the power to contract and be contracted with, to sue and be sued, implead and be impleaded, to take, own and in anywise alien property, real, personal, and mixed; have a common seal, and alter the same at pleasure; and to establish by-laws and make rules and regulations for the management of the affairs of said company, not inconsistent with the Constitution or law of this State or of the United States.

Names of incorporators and corporate powers

§ 2. The affairs of said corporation shall be conducted by a board of directors, of not less than three nor more than nine directors, who shall be elected for a term of one year, and until their successors are elected, at a meeting of the stockholders of said corporation, to be held in the town of Brandenburg or the city of Louisville, as the directors may, from time to time, determine, on the second Monday in January in each year. Said directors shall elect a president, a secretary and treasurer, who may be members of said board. The meetings of the board of directors shall be called by the president, or in case of his absence, inability or refusal to act, by a written call by not less than three of the directors. The powers, duties, and compensation of the president and other officers of the company shall be prescribed by the board of directors. The incorporators named herein shall constitute the board of directors until the first annual election provided for herein. In all meetings of the

Affairs to be managed by board of directors.

stockholders they shall be entitled to one vote for each share of stock held by them. They may vote in person or by proxy, subscribed to by them. Of all meetings of the stockholders, five days' notice shall be given by the secretary of the company.

Capital stock. § 3. The capital stock of said company shall be one million dollars, divided into shares of one hundred dollars each, which shall be subscribed for and paid for at the times and upon the terms, and transferable in the manner, to be prescribed in the by-laws of said company, and may be paid for in money, lands or services performed. The stockholders of said company may, by a two-thirds vote of all the stock at a meeting called for that purpose, increase said stock not exceeding one million dollars.

Nature of business. § 4. Said company is hereby empowered to develop, produce, utilize, convey, or in any otherwise dispose of natural gas, petroleum, salt water, building stone, lithographic and potter's clay, or any of them which may be upon or come from any of the lands which said company may own, lease, acquire or control, or upon which, for any of said purposes, or to do any of the acts in these articles mentioned, it may have or acquire the right; and to these ends said company is empowered to drill, bore or in anywise sink and maintain wells for the purpose of producing such natural gas, petroleum and salt water, or either, and construct, lay or maintain and operate derricks, buildings, machinery, tanks, pipes, reservoirs, receivers, gasometers, warehouses, manufactories, and any other improvements or appliances in or by means of which such gas, petroleum or salt water, or either of them, may be produced, stored, distributed, sold or utilized, and to construct, lay and operate conduit pipes of any kind, and may employ any other suitable means for the conveyance, distribution, storage, sale and utilization of the products of said company either upon, under, to or from any of said lands or other places.

§ 5. With the consent of any city or town within

this Commonwealth, by ordinance or resolution of its ^{May open} general council or board of trustees, said company ^{ground in any} shall have power and authority to open the ground ^{city or town.} in any street, alley, park, lane, or other public place within its limits, and lay therein, remove, alter, repair, and maintain such pipes for so conducting, distributing, vending, and utilizing said natural gas for the purposes of illumination and heating, restoring such ground, however, and any improvement thereon, to as good condition as before within a reasonable time; and in doing the acts mentioned in this section, said company shall commit no injury to any gas or water pipe or sewer laid within the ground.

§ 6. This company shall have power to consolidate ^{May consolidate} with other companies engaged in developing natural ^{with other com-} gas in Meade county, Kentucky, and the territory ^{panies.} contiguous thereto, on such terms as may be agreed upon; and in order to the conveyance of such natural gas to any of the towns or cities within the State, said company shall have power to acquire, by purchase, gift or condemnation, as hereinafter provided, the use of any land along such route or routes as may be selected by the board of directors of said company to lay, maintain and repair such pipes and buildings, retorts and other apparatus or appliances needed to be used in order to properly and economically convey said gas as aforesaid; and in order to such acquisition of such use of lands, said company shall cause such use of, in and over and under only so much as may be necessary to be valued, condemned, and by it paid for in the manner prescribed by an act, entitled "An act to prescribe the mode of condemning lands for the use of railroad and turnpike companies," approved April 11, 1882; and said company shall have power and authority to lay their gas mains under the bed of Salt river, or to construct the necessary structure to support the same over said river, so as not to interfere with the navigation of said stream.

§ 7. The principal place of business of this corpo-

ration shall be in the town of Brandenburg, or the city of Louisville, as the directors may, from time to time, determine.

§ 8. The private property of the stockholders and officers shall be exempt from its corporate debts and liabilities.

§ 9. This act shall take effect from and after its passage.

Approved April 6, 1888.

CHAPTER 896.

AN ACT to incorporate the Williamsburg Institute.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That J. W. Siler, J. P. Mahan, E. S. Moss, A. Gatliff, Wm. Ellison, S. Stanfill, H. C. Harman, G. C. Brassfield and J. R. Sampson, of Williamsburg, Kentucky; John A. Black, of Barbourville, Kentucky; J. Q. Pearce, of Pineville, Kentucky; Gilbert Garrard, of Manchester, Kentucky; N. M. Scales, of London, Kentucky; and H. C. Gentry, of Mt. Vernon, Kentucky, and their successors, be, and they are hereby, created a body-politic and corporate, to be known as the Williamsburg Institute, with its place of business at Williamsburg, Kentucky.

Names of incorporators and corporate powers. § 2. The business of said institute shall be the establishment and maintenance of an institute of learning at Williamsburg, Kentucky, in which is to be taught the English literary and scientific branches, the same to be under the control of Mount Zion Association of Baptists, as herein provided.

Nature of business. § 3. The capital stock of said institute shall consist of such funds or property as may be given it, or be purchased by such funds, and the income and increase thereof, which shall be used for the exclusive benefit of said institute.

Capital stock.

§ 4. Said institute shall have power to make con- Rights and priv-
 tracts, sue and be sued, take and hold property of
 any sort by purchase, gift, bequest or devise; may
 sell any property, real or personal, it may own for
 benefit of said institute; may make any investment
 of its funds from time to time which is authorized by
 law, or lend the same at interest; it may purchase
 all necessary grounds and erect all buildings to carry
 out the purposes of its incorporation; it may estab-
 lish such school as it may see proper, and provide
 terms of admission and rejection of pupils and course
 of study therein; and shall have power to do any and
 all acts necessary for the management of its school
 and property: *Provided*, That it shall at no time owe
 an indebtedness greater than one-third the value of
 its assets, and to that extent may, if necessary, mort-
 gage any part of its real estate: *Provided further*,
 That none but white pupils shall ever be admitted
 in the school of said institute. Said institute may
 graduate students and confer upon them the several
 degrees of "Master of Arts," "Bachelor of Arts,"
 and "Bachelor of Sciences." It may adopt a seal
 and change it at pleasure.

§ 5. The officers of said institute shall be a board of Officers.
 trustees, not exceeding fifteen in number, a president,
 vice-president, secretary and treasurer, and such other
 officers as may be provided for in the by-laws.

§ 6. The incorporators herein named shall consti- First board of
 tute the first board of trustees, and may meet at any trustees.
 time they may agree on, and organize hereunder by
 the election of officers herein named. The said board
 of trustees and officers elected by them shall serve
 until their successors are appointed and enter upon
 the duties of the office. The board shall, by its by-
 laws, fix some day in the month of October of each
 year upon which all officers other than trustees shall
 be elected, who shall hold for the term of one year.
 A bond may, by the by-laws, be required of the treas-
 urer, upon which said institute may sue for any

breach thereof. The Mount Zion Association may, at its next annual meeting, and at each annual meeting thereafter, elect a new board of trustees or change the same as it may see fit, and those so elected may immediately enter upon the duties as such.

§ 7. Said board of trustees shall have full control and management of all the affairs and property of said institute, and as such board, is invested with all the powers herein granted. All the property of said institute shall vest in said board of trustees in trust for the uses herein named, and all conveyances, gifts or devise to said institute shall so vest in said board. No conveyance of any real estate of said institute shall pass title unless first directed to be made by an order on the record of said institute, and unless conveyance be acknowledged by the president of said institute. Said board of trustees shall, at each meeting of the said Mount Zion Association, make full and complete report to the same, showing fully the condition of said institute, financially and otherwise, and showing account of all moneys received and expended. Said board of trustees may make all necessary by-laws, and thereby provide for all officers and agents necessary to carry on the institute: *Provided*, Said by-laws are not in conflict with the laws of Kentucky or of the United States. It may fill vacancies occurring in the board until the next meeting of said association thereafter. A majority of said board, as constituted at the time, shall constitute a quorum for the transaction of any of its business.

Powers herein granted may vest in other association of Baptists.

§ 8. Should the Mount Zion Association at any time be disorganized or cease to exist, then the powers herein conferred upon said association shall vest in any association of Baptists which is agreed on by a vote of two-thirds of the members of the board of trustees as then constituted.

Exemption of private property.

§ 9. The private property of the incorporators herein named, and that of all officers and others in any connected with the management of the affairs of

said institute, shall not be liable at any time for the payment of corporate debts against said institute.

§ 10. That this act shall take effect from and after its passage.

Approved April 6, 1888.

CHAPTER 897.

AN ACT to incorporate the Pittsburg Co-operative Mercantile Association, in Laurel county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That W. C. Webb, A. L. Delph, Samuel Sloan, John Sloan, H. Fredericks, J. D. Hale, A. J. Delph, R. Poston, John McLamore, their associates, successors and assigns, be, and they are hereby, constituted a body-corporate and politic, by the name and style of the "Pittsburg Co-operative Mercantile Association, in Laurel county, Kentucky;" and by that name and style shall have perpetual succession, with power to contract and be contracted with; to own property, both real and personal, and to sue and be sued in all the courts and places of this Commonwealth; to have a common seal, which may be altered at pleasure; if no common seal, then signing of the name of the corporation by any duly authorized officer shall be legal and binding; to engage in the general mercantile business, to consist of the buying and selling of groceries, dry goods, boots and shoes, clothing and hardware, and bartering for produce, pelts, hides and junk, and to do any thing else legitimately connected with said business or incident to the same, and to do other acts, and have all other powers needful for successful prosecution of their business, and for the execution of the powers herein granted.

Names of incorporators and corporate powers.

§ 2. That the corporators may organize said company by the election of a president and board of directors, not exceeding five in number, and such other

Election of officers.

officers as they may deem necessary, at such time and place as they may designate by notice previously given; and when thus organized, the said company shall have power to make such by-laws, rules and regulations, for the government and prosecution of the business of said corporation, not inconsistent with the Constitution and laws of the United States and this State.

Capital stock. § 3. The capital stock of the company shall be not to exceed five thousand dollars, which may be increased or diminished at the pleasure of the company, divided into shares of two dollars and fifty cents each.

Exemption private property. § 4. The individual property of stockholders of the company shall not be liable for the debts of said company.

§ 5. This act to take effect from its passage.

Approved April 6, 1888.

CHAPTER 898.

AN ACT to amend the charter of the Bardstown and Green River Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Bardstown and Green River Turnpike Road Company may remove any of its toll-gates, and establish them at such points as they may deem right and for the best interest of said road.

§ 2. That any law in relation to such company in conflict with this act is hereby repealed.

§ 3. This act shall be in force from its passage.

Approved April 7, 1888.

CHAPTER 899.

AN ACT for the benefit of Alexander G. Gooch, of Logan county.

WHEREAS, Alexander G. Gooch, a citizen and resident of Auburn, Logan county, Kentucky, was, on the 27th day of April, 1886, duly summoned by an officer of the Commonwealth, duly authorized for that purpose, to guard and protect a prisoner under arrest for attempted rape, and in the hands of said officer, and threatened with violence by a mob, and was, while in the discharge of that duty and service to the Commonwealth, shot and wounded so as to paralyze him and render him incapable of locomotion, or of laboring to any extent for the rest of his life; and whereas, said Gooch has spent the whole of his fortune in trying to restore his former health, and is now poor and needy, with a helpless family, consisting of a wife and three young children; now, therefore, as a compensation for the public services rendered to the Commonwealth by said Gooch,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of the Auditor of Public Accounts to draw a warrant on the Treasury in favor of said Alexander G. Gooch for eight hundred dollars, which sum shall be paid said Gooch.

§ 2. For the purpose named in section 1 of this act, the sum of eight hundred dollars is hereby appropriated, out of any moneys in the Treasury, or that may hereafter be in the Treasury, not otherwise appropriated.

§ 3. This act shall take effect from its passage.

[Became a law without approval of Governor April 7, 1888.]

CHAPTER 900.

AN ACT to authorize and empower the Marshall county court of claims to issue county bonds and levy an ad valorem tax for county purposes in Marshall county.

WHEREAS, It appears that the county court of claims of Marshall county, which was composed of the county judge and a majority of all the justices for said county concurring therein, at a special term of said court, held on the thirty-first day of March, 1888, authorized by an act of the Legislature approved March 13, 1888, made an order on their order-book, appropriating fourteen thousand dollars (\$14,000) for the erection and building a new courthouse and clerk's offices combined, in said county; and whereas, it appears that said court failed to make any arrangements for the payment of said sum; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Marshall county court of claims, composed of the county judge and a majority of all the justices of said county, be, and they are hereby, authorized and empowered to issue the bonds of said county, with interest coupons attached, not exceeding fourteen thousand dollars (\$14,000) in amount, and of the denomination of not less than one hundred dollars nor more than five hundred dollars, payable ten years from their date, to bear interest at a rate not exceeding six per centum per annum, payable annually on the first day of January of each year, beginning on the first day of January, 1890, at the office of the county court clerk of the said county, on the presentation of the coupons.

§ 2. That the said county court shall prescribe the form of said bonds. The said bonds and coupons attached shall be signed by the county judge and attested by the county court clerk, and stamped with the seal of the court.

§ 3. It shall be the duty of said court to make the necessary arrangements for the annual payment of the interest on said bonds and for their final redemption. It is hereby provided that said bonds shall be redeemable at the pleasure of said court, after one year from date.

§ 4. To enable the court to comply with and carry out the provisions of this act, it is hereby authorized to levy an ad valorem tax of not exceeding twenty-five cents on each one hundred dollars' worth of taxable property liable to State revenue in said county.

§ 5. That the tax levied under this act shall be collected in the same manner, and under the same liability, on the part of the sheriff or collector, on his official bond, that the other county levy and taxes are collected.

§ 6. Said tax may be levied by said court from year to year until said bonds and interest thereon shall be extinguished; but when so levied and collected, shall be held sacred, as hereinafter provided, for the payment of the interest and principal of said bonds, and for no other purpose.

§ 7. Said court shall have the power either to issue the bonds, as set out in this act, to pay for the building of said court-house and clerk's offices, or to pay for same out of the said ad valorem tax, when collected, by annual installments.

§ 8. If said court shall adopt the bonded system, as above set forth, then they shall have the power to appoint a commissioner, who, under the direction of said court, shall be empowered to dispose of said bonds: *Provided, however,* They shall not be sold at public outcry to the highest bidder, nor for less than par or face value.

§ 9. Said court shall have the power to appoint a county treasurer, whose duty it shall be to receive and collect from the sheriff, or collector of said county, said ad valorem tax, and pay it out on the order of said court, and under no other circumstances.

§ 10. It shall be the duty of said court to require said commissioner and said treasurer to execute bonds, with good and sufficient security, worth not less than double the amount that may come into their hands, and require them to take an oath to faithfully and honestly discharge and perform all the duties and obligations resting upon them, and to obey all the orders of the court directed to them, or either of them, respecting their duties, and the performance of their respective trusts; and the said court shall require the said commissioner and treasurer to renew their respective bonds once each year, and oftener if the court shall deem it necessary. And it shall be the duty of said court to exercise supervision over the acts of said commissioner and treasurer, and to require them or either of them to execute a new bond at any time that the sureties may appear to be insufficient. The said court shall have power to fill vacancies that may occur in either office, and also to remove, upon reasonable notice, either of said officers for cause shown; and it shall also be the duty of said court to require each of said officers to make an annual report to the said court of all the funds received and paid out by them, and a full exhibit of all their acts, beginning on the second Monday in January, 1890, and as much oftener as they may deem necessary, which report shall be made under oath.

§ 11. That said county court shall have the power to make all necessary orders for the carrying into effect the provisions of this act, and the county judge may, at any time, convene the justices of said county for this purpose.

§ 12. It shall be the duty of the said court to provide for the payment of all the expenses necessary to secure the printing, issuing and sale of said bonds, and all other expenses that may be properly incurred in the management and control of the said bonds and funds derived from said tax; and that it shall pay the said commissioner and treasurer a reasonable compen-

sation for their services out of the county levy of said county.

§ 13. This act shall take effect from and after its passage.

Approved April 7, 1888.

CHAPTER 901.

AN ACT to incorporate the Drennon Creek Turnpike Company, and to authorize a portion of Henry county to indorse the bonds of said company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Dr. I. W. McGinnis, John W. East, Geo. Names of incorporators. M. Jessee, Thomas Peniston, W. O. Bruce, John D. Collins, F. Maddox, John R. Moss, and William Carroll, and their successors in office, be, and they are hereby, declared a body-politic and corporate, under the name and style of the Drennon Creek Turnpike Company; and by that name may contract and be contracted with, sue and be sued, and do all other things necessary or proper to carry out the objects of this incorporation, and shall have perpetual succession.

§ 2. Said company shall have the right and power Rights and powers. to construct a turnpike road from the said town of New Castle to any point on the Kentucky river, in Henry county, not distant from the point where Drennon creek enters into said river more than one mile and a half.

§ 3. Said road shall not be less than thirty feet wide, Width of road. and the bed of said road upon which is placed the stone foundation herein mentioned shall be, in all places, not greater than six inches higher in its center than on its sides—that is, it shall be convex, and Repair of road. the stone or metal thereon not less than sixteen feet wide, to be thus placed where practicable. Sound stone, not less than one and a half feet in length and

not greater than one foot wide, and not less than three inches thick, shall be set up on edge and close together, with the joints well broken, for a foundation; this foundation to be not greater than one foot in depth and sixteen feet in width. On this foundation shall be placed sound broken or napped stone, of a depth of not less than four inches, and such napped stone shall be broken small enough to pass through a two-inch ring. On this napped stone shall be placed coarse gravel, of a depth of not less than one inch; the metal to be well shouldered or supported by earth thrown up against the sides of said road. The grades of said road shall not exceed in any part thereof three degrees. Within the above limitations the board of directors of said company may determine the manner of constructing said road, and locate the same; but it must be located within the boundary of the district hereinafter mentioned as the Drennon Creek Turnpike district.

Located in the
boundary.

§ 4. The capital stock of said company shall not exceed thirty thousand dollars, divided into shares of twenty-five dollars each. Every stockholder shall be entitled to one vote for each share of stock owned by him in all elections held by the stockholders.

Capital stock.

§ 5. The persons named in the first section of this act shall be the directors of said company, and shall hold their offices for one year, and until their successors are elected and qualified. They shall cause an election to be held in the year 1889 by the legally qualified voters of said Drennon creek district, at such time and places as may be determined by said directors, for the purpose of electing directors of said road, who shall hold their offices for one year, and until their successors are elected and qualified; and in every year thereafter an election shall be held in the same manner for the purpose of choosing directors of said road.

Directors.

Election.

§ 6. The directors shall elect one of their members as president and one as secretary and one as treasurer

President.

of said road. Only the treasurer shall receive any pecuniary compensation for services rendered, and his compensation shall not exceed two per cent. of the money paid out by him by order of the board. He shall execute bond, with sufficient security, conditioned for the faithful performance of his duties and the safe-keeping and proper disbursement of the funds of said company which may come to his hands. Said bond shall, in addition to the aforesaid conditions, contain such others as the board of directors may determine.

Secretary-treasurer.

§ 7. The business and affairs of said company, including the construction, management and repairs of its road, subject to the limitation of section 3 of this act, and the appointment and employment of such officers as they may deem necessary, shall be under the management and control of said directors.

Business and office.

§ 8. The said company may locate its road along and occupy such portion of the county roads and passways along and in its route as it may deem advisable, and may acquire, by gift on or purchase, or may condemn land for right of way and material for said road, either in constructing or repairing it, and also ground, not to exceed two acres at each gate, for a toll-house. It may also purchase and operate as part of its road any part of the New Castle, Drennon Creek and Kentucky River Turnpike, after rebuilding the same, in accordance with section 3 of this act.

Locate road.

Acquire by gift or purchase or condemn for right of way.

§ 9. If, in any case, said company can not obtain by voluntary agreement the right of way or the materials deemed by it necessary or proper for the construction or repairs of its said road, it may by its president apply to the Henry county court for a writ of *ad quod damnum* to assess the damages which the owner may sustain by reason of the location of said road on his or her or their premises, or because of the taking of material therefrom for the construction or repairs of said road; and upon the tender or payment of the damages so assessed, it shall be lawful for the com-

Condemnation.

pany to open and make said road, open and use rock and gravel quarries, and do all work pertaining to the construction or repairs of said road. In the assessment of the damages the advantages and disadvantages of said road to the owner or owners of the land or materials taken for the road shall be taken into consideration. The proceedings in such cases and the rights of appeal shall be as provided by the general laws of this State as in cases of turnpike roads, subject, however, to the conditions of this section.

Toll-gates. § 10. The company shall have the right to erect toll-gates on said road not less than five miles apart, and collect tolls thereat not to exceed the rates fixed by the General Statutes. The company may contract with any one for travel over their said road, or any part thereof, by such persons, his family and servants, for a term, and may charge and receive such compensation as may be agreed on; and it may, by suit, collect from any one traveling over its road, or any part thereof, tolls for such travel, not exceeding the rates fixed by the General Statutes.

Stock. § 11. The stock of said company shall be personal estate, and transferable on the books of said company in person or by attorney.

Stockholders. § 12. The stockholders in said company shall not be individually liable for the debts of said company beyond the amount of their unpaid subscribed stock.

Borrow money. § 13. Said company is hereby given power and authority to borrow money and create indebtedness for the construction of its road, and to secure the same is authorized and empowered to issue its bonds, bearing a rate of interest not exceeding six per cent. per annum, payable at such times and places as it may deem expedient; and to secure the payment of the bonds so issued or sold may execute by its president deeds of mortgages or trust upon all or any of its property, rights and franchises: *Provided, however,* That said indebtedness shall not exceed thirty thousand dollars, and that said bonds shall not mature in

Maturity of bonds.

less than five nor more than twenty years after their execution, and shall be so conditioned that they may be paid at the option of the company at any time after five years, and within twenty years from the date of their execution: *And provided further*, That the net proceeds of the indebtedness so created shall be used in the construction of said road, and the payment of the salaries or wages of those engaged in its construction, and for no other purposes whatever.

§ 14. It shall be lawful for that portion of Henry Henry county. county embraced in the following described boundary, viz: Beginning at the point of intersection of the New Boundary Castle and Smithfield Turnpike with the New Castle and Eminence Turnpike; thence a north-easterly direction, in a straight line, to the residence of J. R. Moss, including the same; and thence a north-easterly direction, in a straight line, to the residence of C. Roberts, including it; and thence in a northerly direction to the residence of M. Martin, including it; and thence in a north-easterly direction, in a straight line, to the residence of Ed. Lindsey, including it; and thence in a northerly direction, in a straight line, to the residence of W. S. Tingle, including it; thence in a north-easterly direction, in a straight line, to the residence of James H. Carr, including it; thence in a north-easterly direction, in a straight line, to a large barn owned by Mrs. Judith S. Marshall, about one-half mile south-east of the Kentucky river; and thence in a northerly direction, in a straight line, to the residence J. Kalusy, including it; and thence a straight line north to the river; and thence down the river to the village of Springport; and thence, including the village of Springport, a north-westerly direction, in a straight line, to the residence of David Harris, including it; and thence in a south-westerly direction, in a straight line, to the residence of F. M. Maddox, including it; and thence in a south-westerly direction, in a straight line, to the residence of W. S. Berry, including it; thence in a south-westerly direc-

tion, in a straight line, to the residence of W. E. Henderson, including it; thence in a south-westerly direction, in a straight line, to the residence of John C. Sulton, including it; and thence in a south-westerly direction, in a straight line, to the residence of Stamper Bruce, including it; and thence in a south-westerly direction, in a straight line, to the residence of Ed. Harlan, including it; and thence in a southerly direction, in a straight line, to the residence of D. P. Brannin, including it; and thence in a straight line to the residence of James McDonald, including it; and thence in a straight line to the place of beginning. Said boundary to include all lands therein, which shall be known as the Drennon Creek District, to indorse the bonds of said turnpike company provided for in section 13 of this act guaranteeing the payment of the principal and interest thereof; and upon the application, in writing, therefor, of ten legally qualified voters, resident in said district, to the Henry county court, at any special or regular term, said court shall order an election to be held in said district to ascertain whether the legally qualified voters, resident in said district at said election, wish to indorse said bonds, guaranteeing the payment of the principal and interest thereof to the owners or purchasers of said bonds. The said court shall determine and give notice of the time and places of holding said election by one or more insertions of such notices in the "Henry County Local." Such notice shall contain a statement of the aggregate principal of the bonds proposed to be issued, and the object which their proceeds are to be applied. Said court shall appoint the officers of the election, who shall be duly sworn; they shall prepare a book in which shall be written the names of the voters, and no one shall vote at said election unless he is at the time he offers to vote a legally qualified voter of and in Henry county, and a *bona fide* resident in the district above named; and as each voter offers to vote, he shall be asked, in the

Application in
writing.

Court order
election.

Owner of bonds.

Paper.

Officers of elec-
tion.

presence of the officers of the election holding the election at that poll the question: "Shall the bonds Question at poll. be indorsed?" If he answer "yes," his vote shall be recorded in a column headed: "For indorsement." Record vote. if he answer "no," his vote shall be recorded in a column headed "Against indorsement." Said polls shall be opened at 6 o'clock, A. M., and closed at 7 o'clock, P. M., of the day on which the election is held. The result of each poll shall be certified in writing indorsed on the poll-book by the officers of election acting at that poll. Said poll-book or books Poll-book. shall be delivered by the officers of the election, or one of them, to the judge of the Henry county court, and by him filed in the clerk's office of said court. Said county judge and the clerk of the Henry county County judge. court shall examine and compare said books, and shall so certify by indorsement thereon and the result thereof; and if it appear therefrom that a majority of the legally qualified voters of said district have voted for the indorsement of the bonds, the said judge shall cause that fact to be entered of record in the Henry county court, and such record shall be conclusive evidence that every essential precedent condition to the guaranty by said district of the payment of the principal and interest of said bonds has been duly performed; and at any time thereafter, on demand of the president of said company, said county judge shall indorse the bonds of said company issued in any amounts, not exceeding in the aggregate the amount stated in the notice of the election, thus: "Indorsed by the Drennon Turnpike District," dated county judge of Henry county, which indorsement shall pledge to the owner or holder of such bond or bonds the property in said district not exempt from taxation as security for the payment of the principal and interest thereof. The collection of said bonds or Collection of bonds. interest at maturity may be enforced by proper proceedings in the Henry circuit court, or a tax may be levied by the Henry county court on the property aforesaid in

Sheriff, compensation of.

said district sufficient to pay all or any of said bonds or interest ; which tax shall be collected by the sheriff of Henry county, in the same manner and by the same process of law as now is provided for the collection of State taxes. The sheriff shall receive therefor a like compensation as he receives for collections of State taxes, and he and his sureties on his official bonds shall be liable for the faithful performance of his duties in relation thereto ; he shall pay the taxes so collected, less his commission, to the person or persons entitled thereto, and shall, in every year, settle his account in reference thereto with the Henry county court.

Tax-payer.

Amount paid.

§ 15. Each tax-payer in said district paying any tax collected for the purpose of paying the bonds or interest aforesaid shall be entitled to a receipt therefor, stating the amount by him paid. Such receipt shall be transferable ; and when presented to the secretary of the company in amounts of twenty-five dollars, on any multiple thereof, he shall issue to the holder thereof one share of stock in said road for so many of said receipts as shall amount to twenty-five dollars, and shall file said receipts in his office, and record in a proper book the issual of said share or shares, the date of such issual, and to whom and for what issued.

Tolls applied for payment of salaries of officers, agents and employes.

§ 16. The tolls of the road shall be applied to the keeping of said road in repair ; to the payment of the salaries and wages of the officers, agents, and employes necessary for its operation ; to the payment of the interest on its bonds as it falls due, and to the payment of said bonds at their maturity, or within the time when the holders or owners of them can be compelled to accept payment, and to the payment of dividends to the stockholders on their paid-up stock, and for no other purpose whatever, until all said bonds are paid in full ; and to this end the surplus in the treasury of the company shall, at the end of each year, be loaned out to solvent persons, in such sums and for such times as the company may direct, who shall exe-

cute their promissory notes therefor, securing the payment of the same by mortgage on unincumbered real estate of the cash value of at least thrice the amount so borrowed. Whenever any of the bonds of the company can be paid, then so many or much of the loans as are necessary for that purpose shall be called in and so applied; and when all of said bonds and interest are paid in full, the surplus earnings of said road, after the expenses of operating and keeping it in repair and paying dividends on paid-up stock, shall be equitably and annually dividend among the common schools in said Drennon creek district.

§ 17. This act shall be in force from and after its passage.

[Became a law without approval of Governor April 9, 1888.]

CHAPTER 902.

AN ACT to incorporate the Murray and Mayfield Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. G. A. C. Holt, J. T. McElrath, W. F. Peterson, J. C. McElrath, J. R. Coleman, W. B. Keys, W. P. Gatlin, J. W. Gilbert, N. T. Hale, and their associates and successors, be, and they are hereby, created a body-politic and corporate, under the name and style of the "Murray and Mayfield Turnpike Road Company;" and said corporation, by that name, shall have the right to contract and be contracted with, sue and be sued, and use a common seal, and do any and all acts necessary to effect the purpose for which said corporation is created.

§ 2. Said company is hereby authorized and empowered to construct a gravel, plank or macadamized road, and bridge and culvert streams, bogs and marshes, from the western boundary line of Murray, Calloway county, to the eastern or southern boundary line of Mayfield,

Graves county, over the route that may seem most practical to said company lying between said town of Mayfield and said town of Murray; and they are hereby allowed ten years in which to construct said road; and they are hereby authorized to select one of their number as president of said corporation; also one of their number as treasurer thereof; and each and every one of their number may be directors; and they may choose their own time for the election of said president and treasurer, and the time for which they shall hold their respective offices. They may require bond of their said treasurer, to be executed by him in any way they may desire, so that it will be legally binding on his sureties, which bond shall be to the effect that he will safely keep all moneys coming into his hands belonging to said corporation, and that he will pay the same out as directed by said corporation's president and its board of directors; and he shall keep a record of all moneys coming into his hands as such treasurer and its disbursement, which record shall always be open for inspection by any member of said corporation. Said corporation may also have a secretary, and it may prescribe his duties.

§ 3. Said corporation is hereby authorized and allowed to go over the said route by its agents, and make surveys of the most practical route upon which to build said road, and they may inspect gravel beds and timbers, and any and all material that may be along the line, in the vicinity, or within a practical distance, for the use of such gravel, timber or material in the construction of said road; and they are hereby authorized and allowed to solicit and receive deeds as a bonus to the right of way of the owners of the land over which said road may pass, and also to receive contributions and gifts in money or material for the construction of said road; and they are hereby empowered to condemn such land as may be necessary upon said route for the construction of said road, and

for the construction of any toll-gate or necessary building for the use of said company, from a width of thirty to fifty feet, according as their necessities may demand; and also such gravel pits or beds, and timbers or material, as may be necessary to construct said road, by the usual writ of *ad quod damnum*, where a contract with the owners thereof can not be effected, and the county and State roads lying along said route, and the bridges over the streams being of little or no value.

§ 4. Said corporation is allowed to commence the construction of said road at any time they may see proper; and said corporation may borrow money, and pledge as security for the payment of the interest and principal of same the entire road constructed, and their right of way, under this charter, to the road-bed surveyed or to be surveyed, or any other right or privilege that they may have under this charter; they may also issue bonds, in denominations of from twenty-five to five hundred dollars, pledging the road, the right of way, material, and any and all their corporate property and privileges under this charter, for the payment of said bonds and the interest accruing thereon; and said bonds may bear any rate of interest, and payable at any time and place, in any manner, both interest and principal, as may be determined upon by the said corporation's president and board of directors; and further, said corporation, in order to receive aid in the construction of said road, may open a book, to be kept by the treasurer thereof, for the subscription of stock in and to the said road. The shares of stock shall be of the value or denomination of twenty-five dollars, and the stock so subscribed shall not exceed in denomination more than ten thousand dollars. And if this method of raising a fund to build said road, or any part thereof, shall be adopted by said corporation, then, and in that case, the stockholders thus subscribing shall be entitled to an equitable dividend of the profits arising from said road, in same proportion to said profits as the cost of

their said stock thus subscribed bears to the value of the road or the cost thereof; and such stockholders shall be entitled to as many votes in the election of the officers of said corporation as the cost of their stock bears proportion to the whole cost or value of said road; and they shall have the privilege of selecting their representative or representatives for the purpose of casting such vote, in any manner and any time they may choose; and the treasurer's book may be open to at least one of their representatives for inspection at any and all times.

§ 5. And for the payment of the stock mentioned in the last section hereof the president and board of directors may make contracts with the subscribers thereof for labor on the road, and for materials to be furnished and used in the construction of said road, where money is not desired to be paid by such subscribers.

§ 6. After said corporation has constructed three miles of said road, beginning at any point and ending at any point on the said route that they may see proper, they may erect toll-gates across said road so constructed, and charge all travelers that may pass over said road the full amount of toll that is now allowed or hereafter be fixed by statute.

§ 7. The private property of the individual members of this corporation shall be exempt from its corporate debts, except for the construction of the said first three miles of said road; and in that case their individual property will only be liable for the payment of the hire of laborers on said three miles of road, and the price of material contained therein in the construction thereof.

§ 8. Said company's office or main place of business shall be within the corporate limits of the town of Murray, and shall only be removed from thence to any other point or place except by a vote of ($\frac{2}{3}$) two-thirds of the original incorporators herein named or their successors.

§ 9. When said road is constructed, or any part thereof, then this charter shall become perpetual.

§ 10. This act shall take effect and be in force from its passage.

[Became a law without approval of Governor April 9, 1888.]

CHAPTER 903.

AN ACT to amend an act, entitled "An act to revise and amend the charter of the city of Dayton, Campbell county," approved March 7, 1876.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Gas.

§ 1. That the city council of the city of Dayton, ^{May contract for gas.} in Campbell county, be, and the same is hereby, authorized and empowered to contract with any person or persons, company or corporation, in or out of this Commonwealth, for a supply of gas for domestic and general purposes; and for that purpose may grant to any person or persons, or company or corporation, the right to lay pipes and the necessary appurtenances thereto, and to erect such buildings and out-houses for the manufacture of said gas within said corporate limits of said city as are necessary and proper for said manufacture; and also to erect and maintain street lamps in said city, for any period of time as they may deem proper.

Tax for Same.

§ 2. The city council may levy and collect a tax for the payment of gas used in the public lighting of streets, not to exceed fifteen cents on the one hundred dollars' valuation on all real and personal property within said city of Dayton, to be levied and collected as other taxes are levied and collected, and to be used for no other purpose.

their said stock thus subscribed bears to the value of the road or the cost thereof; and such stockholders shall be entitled to as many votes in the election of the officers of said corporation as the cost of their stock bears proportion to the whole cost or value of said road; and they shall have the privilege of selecting their representative or representatives for the purpose of casting such vote, in any manner and any time they may choose; and the treasurer's book may be open to at least one of their representatives for inspection at any and all times.

§ 5. And for the payment of the stock mentioned in the last section hereof the president and board of directors may make contracts with the subscribers thereof for labor on the road, and for materials to be furnished and used in the construction of said road, where money is not desired to be paid by such subscribers.

§ 6. After said corporation has constructed three miles of said road, beginning at any point and ending at any point on the said route that they may see proper, they may erect toll-gates across said road so constructed, and charge all travelers that may pass over said road the full amount of toll that is now allowed or hereafter be fixed by statute.

§ 7. The private property of the individual members of this corporation shall be exempt from its corporate debts, except for the construction of the said first three miles of said road; and in that case their individual property will only be liable for the payment of the hire of laborers on said three miles of road, and the price of material contained therein in the construction thereof.

§ 8. Said company's office or main place of business shall be within the corporate limits of the town of Murray, and shall only be removed from thence to any other point or place except by a vote of ($\frac{2}{3}$) two-thirds of the original incorporators herein named or their successors.

§ 9. When said road is constructed, or any part thereof, then this charter shall become perpetual.

§ 10. This act shall take effect and be in force from its passage.

[Became a law without approval of Governor April 9, 1888.]

CHAPTER 903.

AN ACT to amend an act, entitled "An act to revise and amend the charter of the city of Dayton, Campbell county," approved March 7, 1876.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Gas.

§ 1. That the city council of the city of Dayton, ^{May contract for gas.} in Campbell county, be, and the same is hereby, authorized and empowered to contract with any person or persons, company or corporation, in or out of this Commonwealth, for a supply of gas for domestic and general purposes; and for that purpose may grant to any person or persons, or company or corporation, the right to lay pipes and the necessary appurtenances thereto, and to erect such buildings and out-houses for the manufacture of said gas within said corporate limits of said city as are necessary and proper for said manufacture; and also to erect and maintain street lamps in said city, for any period of time as they may deem proper.

Tax for Same.

§ 2. The city council may levy and collect a tax for the payment of gas used in the public lighting of streets, not to exceed fifteen cents on the one hundred dollars' valuation on all real and personal property within said city of Dayton, to be levied and collected as other taxes are levied and collected, and to be used for no other purpose.

Water.

§ 3. Said city council is authorized and empowered to contract with any person or persons, company or corporation, in or out of this Commonwealth, for a supply of water for domestic, fire and general purposes, and for that purpose may grant to any person, or company or corporation, the right to lay pipes and necessary appurtenances thereto, and to erect and maintain fire-plugs for any period of time as they may see proper.

Tax for Same.

§ 4. Said city council may levy and collect a tax for the payment of said water and fire-plugs, not to exceed fifteen cents on the one hundred dollars' valuation on all real and personal property in said city, to be levied and collected as other taxes are levied and collected, and to be used for no other purpose.

Reconstruction of Streets.

§ 5. Said city council is authorized and empowered to reconstruct any of the streets in said city, by curbing, paving, macadamizing, graveling, or in any other manner or way which to them may seem best.

Payment of Same.

§ 6. The cost of such improvement and reconstruction to be paid for, one-half by the owners of the property fronting and abutting on said street so reconstructed, and one-half to be paid for by said city of Dayton, or, in other words, the whole and entire cost to be equally divided between the said city and the owners of the property abutting on any street so reconstructed, the cost to be *pro rata* according to the number of front feet owned by said property-owners respectively.

Contracts—Manner of Letting.

§ 7. Said city council shall proceed, in contracting for said reconstruction or improvement, in the same

manner as in the original construction of streets, as described in the act approved April 4, 1884, entitled "An act to amend the charter of the city of Dayton, Campbell county, and to authorize its city council to issue street improvement bonds," except where said act requires the signing of a petition by the owners of a majority of the front feet abutting on said street. The city council shall proceed in the same manner in contracting for said reconstruction as is provided in the city charter for the original construction of streets and alleys, and the same lien shall attach to the property in favor of the contractor and city for the payment of the cost of said reconstruction as now attaches in all cases of original construction; and payment shall be made in the same manner as prescribed in the city charter and amendments thereto now in force.

§ 8 All acts and parts of acts in conflict herewith are truly repealed.

§ 9. This act shall be in force from and after its passage.

[Became a law without approval of Governor April 9, 1888.]

CHAPTER 904.

AN ACT to amend the charter of the town of Bryantsville, Garrard county, prohibiting the selling, giving, loaning or bartering of intoxicating liquors therein.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That on and after the passage of this act it shall be unlawful for the county court of Garrard county, or the trustees of Bryantsville, to grant a license for the sale of spirituous, vinous or malt liquors, or any mixtures thereof, in any quantity whatever, in the town of Bryantsville, Garrard county, Kentucky, and any such license granted, by any authority whatever, shall be null and void, and no protection against the penalties of this act.

Trustees not authorized to perform certain things.

Rights of drug-
gist.

§ 2. That it shall be unlawful for any distillers, manufacturer, merchant, druggist, or any other person or persons, with or without a prescription, to sell, give, loan, furnish or barter, in any quantity less than one barrel of thirty gallons, any whisky, brandy, foreign or domestic wine, cordial, ale, beer, or any mixture thereof, or any queen taste bitters, sherry wine bitters, or any other intoxicating bitters, cordial or tonic, whether it shall be a so-called patent medicine or not, or any brandy peaches, or any kind of fruit soaked in any kind of intoxicating liquors, or any mixture of any of the above named liquors or compounds, within the town limits of Bryantsville, Garrard county, Kentucky. And if any person or persons shall so sell, give, loan, furnish or barter any of the aforesaid liquors, compounds, substances, or any mixture thereof, in violation of this act, on conviction, he or they shall be fined not less than one hundred dollars and not more than three hundred for each and every offense: *Provided*, That nothing in this act shall be construed to prohibit druggists from using alcohol for compounding medicines, or from manufacturing or selling essences, tinctures and extracts, or selling alcohol strictly for medical purposes, nor the use of wine by the churches for sacred purposes, nor to prevent physicians from using alcohol in their practice strictly for medical purposes. But no druggist, nor any other person or persons, shall sell, give, loan, furnish or barter any pure alcohol, or alcohol diluted with water or with sugar and water, or alcohol diluted with any other simple and harmless substance, without a prescription from a physician of good standing, and the same identical prescription shall not be filled oftener than one time.

§ 3. That it shall be unlawful for any person or persons to keep any of the liquors, compounds or mixtures mentioned in section two (2) of this act in his house of business, or in any room adjoining thereto,

or in any cellar beneath, or in any upper room thereof; and if any person or persons shall so keep or allow to be kept any of the aforesaid liquors, compounds or mixtures in violation of the act, on conviction, he or they shall be fined not less than one hundred dollars and not more than three hundred dollars for each offense: *Provided*, That druggists and physicians may keep alcohol for medical purposes, and artisan may keep alcohol for use in the arts; and any person may keep any of the liquors named in this act in his own private residence for his own private use.

§ 4. That it shall be the duty of circuit judge of this district to give this act in his instructions to the grand jury at each session of his court in Garrard county.

§ 5. Any person convicted under this act shall forth with pay or replevy the judgment, and upon failure to do so shall be confined in the work-house of Garrard county at hard labor, and shall be entitled to credit on the amount of the judgment at the rate of two dollars per day for each day's confinement, and may pay or replevy at any time the residue of the judgment, with cost, and be discharged from said work-house.

§ 6. All the penalties for the violation of this act shall be collected by indictment of the grand jury of the circuit court, or by warrant before the police judge of Bryantsville, or any magistrate of Garrard county; and all the funds arising from the collections of said penalties before the police court of Bryantsville or a magistrate of Garrard county, whether in the name of the board of trustees of Bryantsville or in the name of the Commonwealth, shall be turned over to the treasurer of Bryantsville, and shall be used by order of the trustees for paying the salaries of the marshal, police judge, and for any other purpose which a majority of the board of trustees may deem for the public good.

§ 7. That all acts concerning the town of Bryantsville, in so far as they conflict with this act, are hereby repealed.

§ 8. This act shall take effect from and after its passage.

[Became a law without approval of Governor April 9, 1888.]

CHAPTER 905.

AN ACT to amend the several acts incorporating the town of New Liberty, in Owen county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Incorporated. § 1. That the inhabitants of the town of New Liberty, in the county of Owen, be, and they are hereby, incorporated and made a body-politic and corporate, under the name and style of the "Town of New Liberty;" and in said name shall have full power to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, to do and perform all such other acts and things, either in law or equity, as bodies-politic and corporate having perpetual succession may rightfully do.

Boundary. § 2. That the territory included within the corporate limits of said town shall be identical with the plat of New Liberty made by C. O'Hara, surveyor of Owen county, bearing date November 28, 1849, and recorded in the book in which the records of said town are now kept, except that the part of said town known as Adams Town, as shown by said plat, shall be, and the same hereby is, extended in a southwesterly direction three hundred and fifty (350) feet; the intention being to include within the corporate limits of said town the residence of John B. English, that of the heirs of Annie Hays, that of H. B. McNelly and the college building.

Election. § 3. That upon the first Monday in August next, and upon the first Monday in August of every year there-

after, an election of five trustees shall be held in **said town**, at which the qualified voters of **said town** shall have the right to vote ; **said trustees** shall hold **their offices** for one year after their election, and until **their successors** are duly elected and qualified. **Said trustees** shall elect one of their members president of the board, who shall have and may exercise all the rights and privileges of a member of **said board** ; preside at its meetings ; sign orders and drafts for money, and do and perform any and all acts and duties pertaining to the office of president of an incorporated company.

§ 4. That the legislation power of **said town** is Government. hereby vested in the **said board of trustees**, who shall, from time to time, have full power and authority to make by-laws and ordinances for the government of **said town** ; for the preservation of good order, decency and decorum within the limits of **said town** ; for the preservation of the peace, lives, health and property of the citizens, inhabitants and others within the corporate of **said town** ; for the preservation and improvement of the streets, sidewalks and alleys of **said town** ; to require the owners of property in **said town** to build and repair sidewalks in **said town**, with such curbing as the board of trustees may require in front of their respective properties, to be made of brick, stone or such other material as the board of trustees may direct ; that should the owners of property in **said town** fail or refuse to make the improvements when required by the board of trustees as aforesaid, then the **said board of trustees** shall have the power to have the same made, and shall have a lien on the property in front of which they may make such improvements for the costs and expenses thereof, and the circuit court of Owen county shall have jurisdiction and power to enforce such lien upon such property by appropriate proceedings for that purpose. That the **said board of trustees** shall have full power and authority over the streets, alleys and

sidewalks in said town, and may direct and compel the improvement thereof as they may deem for the best interest of said town. They shall have power to tax shows, menageries, or exhibitions, which may be shown or exhibited for money or profit in said town, or within one half mile of the corporate limits of said town, and such sums as they by their by-laws or ordinances, may declare, not exceeding one-half the amount taxed them by the State; that the said board of trustees shall have power, for any violation of their by-laws or ordinances, to provide therefor punishment by imprisonment in the jail of Owen county, not exceeding twenty days, or by fine, not exceeding one hundred dollars for each offense, which imprisonment may be inflicted by and fine recovered before the police judge of said town, or any magistrate of the county of Owen. They shall have power to levy, assess, and collect taxes on the value of all estate, real, personal, and mixed, held, owned, possessed, used, or employed in said town, or on such classes of the same as they may designate; but such taxation shall be uniform on cash description of property aforesaid, and shall not exceed fifty cents on each one hundred dollars in any one year; but no tax shall be levied or collected on the choses in action, notes, bonds, bills, or money, of any one except upon the excess of any one over and above his just debts and liabilities on the day of appraisement. They shall have power to impose a poll-tax, not exceeding one dollar and fifty cents per head in any one year, on every male inhabitant of said town of twenty-one years of age and over. They shall temporarily fill all vacancies which may occur in any office in said town until said vacancies shall be filled as herein provided. They shall have power to fill all vacancies which may occur in their own body. They shall have power to appoint annually an assessor, treasurer, and clerk for said town, and shall, from

Tax shows.

Taxes.

Vacancies.

time to time, define the duties of their assessor, treasurer and clerk, and fix their emoluments and fees. They shall have power to pass such by-laws as they may deem necessary to protect from desecration or injury the property, shrubbery, tombstones, graves and monuments in all grave-yards and burying-grounds within the corporate limits of said town. They shall have power and it shall be their duty to take from their treasurer a bond, to be approved by them, in such penalty or penalties as they may deem reasonable, payable to the town of New Liberty, for the faithful discharge of his duty ; and for a violation on the part of said officer of his bond, suits may be brought and motions made and prosecuted before the police judge of said town, or before any tribunal having jurisdiction thereof, in the same manner and under the same rules and regulations that suits are brought and motions made against other officers for failure of duty ; and any person injured by a breach of said bond by said officer may maintain his action thereon. Said clerk, treasurer and assessor shall hold their respective offices subject to removal by said trustees whenever they may see proper. They shall have power to suppress by ordinances, with suitable penalties, all tippling-houses, bawdy-houses, all retailers of spirituous, vinous or malt liquors contrary to law, riots, routs and breaches of the peace, assaults and batteries, disorderly or indecent conduct, vagrancy, disturbance of religious worship, disturbance of the peace and tranquility of the town, and all unlawful gaming in said town. They shall have full power and authority to prohibit, by suitable penalties, hogs and other animals from running at large in the streets and alleys of said town, and require and compel the abatement and removal of all nuisances in said town. They shall have power to prohibit all persons from peddling in said town without license obtained from the board of trustees. They may fix such license in any sum they may deem proper. They shall have full

By-laws.

Bond from treasurer.

Suppress liquor selling, etc.

power and authority to pass any and all by-laws and ordinances that they may deem right and proper for the good government of said town: *Provided*, That no by-laws shall be passed by them which conflict with the Constitution of this State or of the United States.

Voters. § 5. That each male citizen of the United States who is of the age of twenty-one years or over, and who shall have resided within said town thirty days next preceding an election for an officer or officers for said town, shall be entitled to vote at said election or elections.

Eligibility to office. § 6. That no person shall be eligible to the office of trustee in said town unless he be a white male citizen of the United States, of the age of twenty-one years or over, and shall have resided in said town at least six months preceding the election at which he may be a candidate, and shall be the owner in fee-simple of real estate within the corporate limits of said town.

Treasurer. § 7. That there is hereby created for said town the office of treasurer. The treasurer shall be appointed by the board of trustees at its first regular meeting after the first Monday in August in each year, and shall hold his office for one year, subject to removal as herein provided. He shall, before he enters upon his duties, take the oath of office and execute the bond required by this charter.

Clerk and assess or. § 8. That the terms of office of clerk and assessor shall expire on the first Monday in August following their respective appointments.

Elections. § 9. That on the first Monday in August in 1888, and on the first Monday in August in every second year thereafter, there shall be elected, by the qualified voters of said town, a marshal for said town, who shall enter upon the discharge of the duties of his office on the first Monday in September following his election: *Provided*, He has taken the oath of office, and executed the bond of office required by this charter; but if he has not executed the bond required by

Marshal.

this charter by the first Monday in September next **after** his election, the office shall be declared vacant. **His** term of office shall be two years, commencing on **the** first Monday in September succeeding his election. **That** the marshal of said town shall perform such **duties** as are required of town marshals by law, and **such** duties as may be, from time to time, prescribed **by** the ordinances and by-laws of said town. He shall **collect** all taxes assessed in said town, and in the **collection** of the same he shall be governed by the **regulations** governing sheriffs in the collection of **taxes**. Said marshal, before he enters upon the **duties** of his office, shall execute to the town of New Liberty an obligation, with surety, to be **approved** by the board of trustees of said town, and **containing** covenants and stipulations suitable and **proper** to secure the faithful performance of his **duties**. It shall be lawful for said marshal to execute, with good surety, in the Owen county court, an **obligation** to the Commonwealth of Kentucky, just like the obligation a constable is required by law to **execute** before he enters upon the duties of his office, and take the same oath; and upon his so doing, he shall have full power and authority to do and perform any and all acts which a constable, by virtue of his office, may do by the laws of this State; and any person injured by a breach of any of the covenants of either of said **obligations** shall have the same remedy thereon as is now had by law for like breaches of constable's bonds. He shall have full power and authority to transact the police business of the town, as soon as he shall have executed the bond to the town of New Liberty, and taken the oath as marshal as herein provided. His fees shall be the same as constables and sheriffs for similar services, and collected in the same manner. Any vacancy in the office of marshal of said town may be filled by the board of trustees of said town, until the next regular election of town marshal; or said board may fill such vacancy

temporarily, and order an election for town marshal to fill out the remaining part of the term. But no such election shall be held unless ten days' previous notice of the same shall have been given by said board.

Police judge. § 10. That upon the first Monday in August next, and upon the first in August in every fourth year thereafter, there shall be elected, for said town of New Liberty, a police judge, whose term of office shall be the same as that of county judge, and shall be qualified and enter upon the duties of his office at the same time that county judges are required by law to enter upon the discharges of their duties. He shall have jurisdiction, within the county of Owen, of civil causes to the same extent that justices of the peace now have in this Commonwealth. He shall have the same jurisdiction of crimes and misdemeanors committed within the county of Owen, which is by law conferred upon justices of the peace in this Commonwealth. He shall have jurisdiction of all offenses against the by-laws and ordinances of said town; he shall have power to render judgments and issue executions for all fines and penalties for such offenses, and his executions and *capias pro fines* issued by him may be executed by the marshal of said town, in any part of the county of Owen, or by the proper officer anywhere in this Commonwealth. He shall have power to issue *capias pro fines* on any judgments rendered by him for fines and costs. When the defendant or defendants are in custody, or present at the trial when the fine is assessed, he or they shall stand committed until the fine and costs are paid or replevied. He shall have power to commit any one fined to the jail of Owen county one day for each two dollars of the fine and costs of prosecution; but such imprisonment shall not satisfy the judgment, but execution may issue thereon against the estate of such defendant or defendants until the fine and costs are paid; but such defendant or defendants shall not be again imprisoned for the

same fine and costs. He shall keep good order in his court, and shall have power to punish all contempts against his authority by fines or imprisonment or both. In prosecution for violation of the ordinances and by-laws of said town said police judge shall have sole and exclusive jurisdiction. He shall have all the powers conferred by the general laws upon police judges of this Commonwealth. He shall hold a court four times a year in New Liberty for the transaction of civil business properly cognizable before him, to wit: On the first Mondays in March, June, September, and December, and continue until the business is completed. He may hold court at any time for the transaction of police business. His fees in the transaction of police and other business shall be the same as justices of the peace for like services, and may be collected in the same manner. A vacancy in the office of police judge shall be filled in the same manner that a vacancy in the office of town marshal is filled under the provisions of section 10 of this charter. He shall be commissioned by the Governor, and, before he enters upon the duties of his office, shall take the oath of office before some one authorized by law to administer oaths.

§ 11. That said elections shall be held by such persons as the board of trustees may appoint, and that each officer of election shall, before he enters upon the duties of his office, take an oath before some one authorized to administer the same that he will faithfully and impartially discharge the duties of his office. It shall be the duties of the officers of each election, within three days after the close of the same, to carefully compare the polls, and give their certificate of election to the successful candidate or candidates.

Officers of election.

§ 12. That the trustees, marshal, police judge, assessor, treasurer and clerk of said town shall each, before he enters upon the discharge of the duties of his office, take, before some judge or justice of the peace for Owen county, the oaths required by the

Constitution of this State, and in addition thereto, they must swear or affirm that he or they will faithfully and impartially discharge the duties of his or their office according to the best of their skill and abilities.

§ 13. That all writs issued by the police judge shall run in the name of the Commonwealth of Kentucky, and prosecutions under and by virtue of this charter, of the for violation of the by-laws, shall be in the name of the town of New Liberty.

§ 14. That all fines arising under this charter for a violation of any of the ordinances or by-laws of said town shall vest in the town of New Liberty.

§ 15. That this act shall take effect from and after its passage.

[Became a law without approval of Governor April 9, 1888.]

CHAPTER 906.

AN ACT to amend an act, entitled "An act to establish a board of commissioners for Boyd county, and to define their duties and the duties of other officers whose duties are connected with the duties of said commissioners," approved February 9, 1884.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the act, entitled "An act to establish a board of commissioners for Boyd county, and to define their duties and the duties of other county officers whose duties are connected with the duties of said commissioners," approved February 9, 1884, be, and the same is hereby, amended so as to read as follows: "Section 17. The board of commissioners may, in their discretion, if they deem it necessary, annually appropriate any sum, not exceeding fifteen thousand dollars, payable out of the county funds, for the purpose of grading, graveling, building or repairing the bridges or public roads in Boyd county, and shall

Writs issued.

Fines.

Board of commissioners.

Appropriate sum for grading, graveling and repairing.

have full power to direct upon what particular road or roads the money thus appropriated shall be expended: *Provided*, That no appropriation shall be made by the said board of commissioners for the purposes aforesaid, and payable during the year in which same shall be made, that may not be paid out of the county revenue of that year. The said board of commissioners may, in making an appropriation for the improvement of the public roads in said county, be governed therein according to the amount of money raised by private subscription, and donated by the persons asking for the appropriation, giving preference to that line of road donating most money or property per mile of said road. Any sum appropriated by the board of commissioners under the provisions of this section, not expended in the improvement of the public roads of the county as herein stated, may be appropriated, in addition to the three thousand dollars provided for in the sixteenth section of the act to which this is an amendment, for the purpose of paying the bonded debt of Boyd county, and shall not be used for any other purpose whatever until the bonded debt of the county and interest thereon is discharged.”

Restriction of
commissioners.

§ 2. Sections 18 and 19 of the aforesaid act establishing a board of commissioners for Boyd county are hereby repealed.

§ 3. That section 30 of the act last aforesaid be amended by adding at the close thereof, and next after the word journal, the words, “if a yea and nay vote shall be demanded by any member of the board.”

§ 4. *And be it further enacted*, That the provisions of section 6, article 2, chapter 27, General Statutes, fixing commissions of sheriffs, in the collection of county levy and dues, the same as allowed the collectors of public revenue, be repealed in so far as applicable to Boyd county, and that section 22 of the act to which this is an amendment be amended in respect to the compensation of the sheriff for collect-

ing the county tax of Boyd county, and in further regulation of his duties, as follows: That for the collection of all tax levied by the board of commissioners of said county for the year 1889, and thereafter, the said sheriff shall be allowed by the board of commissioners the following commissions upon the sums collected and accounted for, or paid to the treasurer of Boyd county: upon the first five thousand dollars ten (10) per cent., and upon the residue four (4) per cent. The sheriff of Boyd county, in the collection of all taxes levied or imposed by said board of county commissioners, shall have the same powers and be under the same duties and responsibilities as are conferred and imposed by existing laws upon sheriffs and collectors in the collection of the State taxes and public revenues, as also the powers conferred by the act aforesaid and this amendment thereto. And it is further hereby made the duty of the sheriff aforesaid to report to the said board of commissioners, at their stated meetings, the amount of county taxes collected by him, and pay ninety per centum monthly of such collections to the county treasurer, beginning on the first day of July in each year; and the said sheriff shall account for and pay all such tax and county dues for which he is bound by the first day of January in each year. And be it further herein enacted, that any person or persons failing to pay the sum of tax levied for and due the said county of Boyd on or before the first day of November in the year following the assessment upon which levy thereof shall be made, shall pay six per cent. additional on the tax so due and unpaid. The sheriff shall be required by the board of county commissioners to pay a penalty of six per cent. on all taxes due and unpaid on the first day of January in each year.

§ 5. That section 4 of the said act be amended by striking out therefrom the word "double" between the words "real estate" and "the amount," so that hereafter it shall not be required that sureties in the

bond of the treasurer shall, in the aggregate, be worth in real estate more than the amount of the bond, exclusive of all indebtedness and exemptions.

§ 6. The said board of commissioners shall have the power to appoint and employ all such agents and persons as they may deem necessary and expedient in the execution of the duties and powers of said board, and to fix the compensation of such agents and provide for the payment thereof.

§ 7. This act shall take effect and be in force from and after its passage.

[Became a law without approval of Governor April 9, 1888.]

CHAPTER 907.

AN ACT to incorporate the King David Lodge, No. 37, Independent Sons and Daughters of Honor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Andrew Larue, John Tarrance and Jeff. Harris, and their successors, be, and they are hereby, incorporated and created a body-corporate and politic, under and in the name of the King David Lodge, Independent Sons and Daughters of Honor, No. 37; and in that name have the right to contract and be contracted with, to sue and be sued, plead and be impleaded; to have a corporate seal, and by such to receive by gift, devise or purchase, any grounds by it to be used and laid off in a cemetery, hall, lodge, or to receive by gift or devise any other property or thing. Names of incorporators.

§ 2. Said corporation shall have the power to make such by-laws, not inconsistent with the Constitution of the United States or the Constitution and laws of the State of Kentucky, as the members thereof shall see fit, in the relation to admittance and discharge of all its members, the initiation fees to be paid, the ap- By-laws.

ing the county tax of Boyd county, and in further regulation of his duties, as follows: That for the collection of all tax levied by the board of commissioners of said county for the year 1889, and thereafter, the said sheriff shall be allowed by the board of commissioners the following commissions upon the sums collected and accounted for, or paid to the treasurer of Boyd county: upon the first five thousand dollars ten (10) per cent., and upon the residue four (4) per cent. The sheriff of Boyd county, in the collection of all taxes levied or imposed by said board of county commissioners, shall have the same powers and be under the same duties and responsibilities as are conferred and imposed by existing laws upon sheriffs and collectors in the collection of the State taxes and public revenues, as also the powers conferred by the act aforesaid and this amendment thereto. And it is further hereby made the duty of the sheriff aforesaid to report to the said board of commissioners, at their stated meetings, the amount of county taxes collected by him, and pay ninety per centum monthly of such collections to the county treasurer, beginning on the first day of July in each year; and the said sheriff shall account for and pay all such tax and county dues for which he is bound by the first day of January in each year. And be it further herein enacted, that any person or persons failing to pay the sum of tax levied for and due the said county of Boyd on or before the first day of November in the year following the assessment upon which levy thereof shall be made, shall pay six per cent. additional on the tax so due and unpaid. The sheriff shall be required by the board of county commissioners to pay a penalty of six per cent. on all taxes due and unpaid on the first day of January in each year.

§ 5. That section 4 of the said act be amended by striking out therefrom the word "double" between the words "real estate" and "the amount," so that hereafter it shall not be required that sureties in the

bond of the treasurer shall, in the aggregate, be worth in real estate more than the amount of the bond, exclusive of all indebtedness and exemptions.

§ 6. The said board of commissioners shall have the power to appoint and employ all such agents and persons as they may deem necessary and expedient in the execution of the duties and powers of said board, and to fix the compensation of such agents and provide for the payment thereof.

§ 7. This act shall take effect and be in force from and after its passage.

[Became a law without approval of Governor April 9, 1888.]

CHAPTER 907.

AN ACT to incorporate the King David Lodge, No. 37, Independent Sons and Daughters of Honor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Andrew Larue, John Tarrance and Jeff. Harris, and their successors, be, and they are hereby, incorporated and created a body-corporate and politic, under and in the name of the King David Lodge, Independent Sons and Daughters of Honor, No. 37 ; and in that name have the right to contract and be contracted with, to sue and be sued, plead and be impleaded ; to have a corporate seal, and by such to receive by gift, devise or purchase, any grounds by it to be used and laid off in a cemetery, hall, lodge, or to receive by gift or devise any other property or thing.

Names of incorporators.

§ 2. Said corporation shall have the power to make such by-laws, not inconsistent with the Constitution of the United States or the Constitution and laws of the State of Kentucky, as the members thereof shall see fit, in the relation to admittance and discharge of all its members, the initiation fees to be paid, the ap-

By-laws.

propriation of its funds in regard to the regulation of its members and the management of its affairs. The by-laws of the corporation shall not be changed or adopted, except at an annual conventional meeting.

Directors and trustees.

Election.

§ 3. The incorporators aforesaid shall be the directors and trustees of said corporation until their successors are duly elected. There shall be an election held, during the month of December of each year, for the election of three directors and trustees of said corporation, who shall hold their office one year, and until their successors are elected; the said directors and trustees so annually chosen shall, from one of the members of said society, choose a president of said board, and said corporation shall, by its by-laws, create such other officers and agents as may be desired for the management of its affairs.

Fill vacancy.

§ 4. If at any time there shall be a vacancy in said board of directors and trustees, the said board shall have power to fill said vacancy until the next general election.

Surplus fund.

§ 5. Said corporation may, from time to time, have the right to invest any of its surplus funds in any kind of securities, or to loan the same at interest, for the purpose of creating a fund for the burying their dead, caring for their sick, and keeping their grounds in proper order.

Establish branches of organization.

§ 6. Said corporation or society may establish branches of its organization, composed exclusively of gentlemen or exclusively of ladies, at Louisville or other points within the State of Kentucky. Said lodges shall not commence business until they have been duly organized, nor until they have been granted a charter by the King David Lodge, No. 37, or by some lodge duly organized by it; and such lodges, when so organized, shall have all the rights, powers and privileges possessed by the King David Lodge, No. 37, under this charter.

Annual convention.

§ 7. There shall be held an annual convention of all the lodges organized under this charter, and each

lodge shall elect such number of delegates to such convention as shall be fixed by the by-laws adopted by said convention. The first convention shall be held in Louisville, Kentucky, and each lodge organized shall be entitled to send two delegates to said convention.

§ 8. *Be it further enacted*, That this act shall be in force from and after the date of passage.

Approved April 9, 1888.

CHAPTER 908.

AN ACT to amend an act, entitled "An act to prohibit the sale of spirituous, vinous and malt liquors in the county of Muhlenberg," approved May 17, 1886.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act to prohibit the sale of spirituous, Prohibit sale of liquor. vinous and malt liquors in the county of Muhlenberg is hereby amended by adding the following section: That on the fourth Saturday in June, 1888, there shall be opened a poll in each of the voting precincts in Muhlenberg county to again take the sense of the people upon the question whether the people are for or against the sale of spirituous, vinous and malt liquors in Muhlenberg county; said election to be held in the same manner as now provided in the act to which this is an amendment. If a majority of the votes cast at the election in June, 1888, are in favor of the sale of spirituous, vinous and malt liquors in Muhlenberg county, then a certificate of that effect shall be made by the board, whose duty it shall be to compare the polls of said election, which shall be entered of record by the judge of the county court in his record-book; and in that event, the officers of the law, as now provided by law, may issue license for the sale of spirituous, vinous and malt liquors in Muhlen-

berg county. If a majority of the votes cast at said election in June, 1888, are against the sale of spirituous, vinous and malt liquors, then that fact shall be properly certified to the county clerk, as provided in the original act to which this is an amendment; and in the event, the original act to which this is an amendment is continued in full force and effect. And it shall be unlawful for any person to sell, in any quantity, vinous, spirituous or malt liquors in Muhlenberg county, subject to the penalties denounced in the original act to which this is an amendment. All acts or parts of acts in conflict with this amendment are hereby repealed.

§ 2. This act to take effect from and after its passage.

Approved April 7, 1888.

CHAPTER 909.

AN ACT to authorize the Carlisle and Plum Lick Turnpike Road Company to relinquish its interest in a part of said road to Nicholas county court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That upon the written relinquishment by the Carlisle and Plum Lick Turnpike Road Company to the Carlisle and Jackstown Turnpike Road Company, lower route, of all their right to the use, possession and control of that part of the Carlisle and Jackstown Turnpike Road, upper route, lying between the turnpike bridge at Mrs. Nancy Worten and the bridge across Hinkston, at Jackstown, and upon the written grant of the right of way over that part of the route of said pike to said Carlisle and Jackstown Turnpike Road Company, lower route, by the owners of the land over whose land that portion of said turnpike runs, and upon the acceptance of said

relinquishment and grant by the Nicholas county court, that part of said pike shall be attached to and become a part of the Carlisle and Jackstown Turnpike Road, lower route, and may be used and held and operated as such in the same manner as the remainder of said turnpike is now used and held and operated. But said writing of relinquishment and grants of right of way, when accepted, shall be recorded in the clerk's office of the Nicholas county court.

§ 2. This act shall take effect and be in force from and after its passage.

Approved April 7, 1888.

CHAPTER 910.

AN ACT for the benefit of the Presbyterian Church at Moorefield, in Nicholas county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for, and the trustees of the Presbyterian Church of Moorefield, in Nicholas county, are empowered, to sell, and by deed convey to the purchaser, the lot of land and church building thereon, held in trust by said trustees for the use of said Presbyterian Church, and reinvest the proceeds thereof, as shall to them seem proper, in other property of similar character at Moorefield, to be used and enjoyed by said organization for purposes of religious worship.

§ 2. This act shall take effect from and after its passage.

Approved April 7, 1888.

CHAPTER 911.

AN ACT to incorporate the Mt. Olivet Deposit Bank.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby established a bank in the town of Mt. Olivet, in Robertson county, Kentucky, with a capital stock of thirty thousand dollars, in shares of one hundred dollars each, to be subscribed and paid for as hereinafter specified ; and the subscribers, their associates, successors and assigns, shall be a body-politic and corporate, by the name and style of the Mt. Olivet Deposit Bank, and may so continue for thirty years from its organization ; but the board of directors of said bank are authorized and empowered to wind up its affairs whenever the owners of two-thirds of the stock determine that the interest of the company require its discontinuance ; and to effect this the board shall have all powers necessary to wind up and liquidate the affairs of said bank upon equitable principles.

§ 2. Said corporation shall have all the privileges of a natural person in contracting and being contracted with, in suing and being sued, in all places and courts whatever ; and may have and use a common seal, and change the same at pleasure.

§ 3. The said bank shall be under the control of not less than five nor more than nine directors, each of whom shall be a stockholder, and a majority of whom, at all times, shall be residents of Robertson county ; and after the first election they shall be chosen on the second Tuesday in January of each year, or if not on that day, from any cause, then as soon thereafter as convenient ; and shall hold their offices until their successors are elected and qualified. They shall appoint one of their number president, and may, if they think best and necessary, at any time appoint, also from their number, a vice-president, who shall hold their positions at the

pleasure of the board of directors. The board shall hold regular meetings at such time as they may fix upon; and such called meetings as they may deem necessary. In case of death, resignation or Fill vacancies. removal of any director or officer, the vacancy shall be filled by the board of directors. The board shall Subscriptions. have power to receive subscriptions for so many of the shares of the capital stock remaining unsold as they may at any time decide to sell; shall declare dividends, appoint such officers, agents or servants as they may think necessary to conduct the business of the bank, and pay them such wages or salaries for their services, and take from them such bonds to secure the faithful performance of their du- Take bonds. ties as they may think proper; shall prescribe such rules as they may think best for the transfer of the stock on the books of the bank by the stockholders or by an attorney. The stock shall be personal property.

§ 4. R. Wells, N. A. Tilton, John M. McDowell, Commissioners. L. C. Holmes, E. M. Newman, J. R. Linnville, C. H. French, Charles Bramel and Eldridge Kenton, are hereby appointed commissioners, any three of whom may act, and may open books of subscription to the capital stock of the corporation, and when shares to the amount of fifteen thousand dollars shall have been subscribed, it shall be the duty of said commissioners to give notice in one or more newspapers, and appoint a day for the election of a board of directors, who Election of directors. shall hold their offices until their successors are elected and qualified. The payment for the shares subscribed shall be made in such installments, or at such times as the board of directors may order, and when ten thousand dollars shall have been paid in, the bank may begin business.

§ 5. The bank may receive deposits of gold, silver, Business. bullion, currency, or any thing lawfully circulating as money, and repay the same in such manner, at such times, and with such interest, not to exceed the rate

fixed by law, as may be agreed upon with the depositors by special or general contract. It may borrow or lend money, buy or sell checks, bills of exchange, promissory notes, or current money, bonds, stocks, mortgages, and other evidences of debt, and do a general banking business; may take personal or other securities for the payment of obligators, and dispose of the latter according to the provisions of an act, entitled "An act for the benefit of the incorporated banks of Kentucky," approved March 16, 1871, and such disposition shall pass a valid title to same; may receive deposits from minors and married women, and their checks, receipts or acquittances shall be valid. All promissory notes and bills made negotiable and payable at the banking-house of said corporation, or at any other banking house, may be discounted by it, and they are hereby placed upon the footing of foreign bills of exchange, and like remedy as upon said bills may be had thereon, jointly and severally, against the drawers, acceptors, and indorsers thereof.

Notes made as
foreign bills of
exchange.

Real estate.

§ 6. The bank may acquire, hold and use all such real estate, goods and chattels, as may be necessary for the transaction of its business, or which may be conveyed to it as surety or in satisfaction of any debt, judgment or decree, and may sell and convey the same at pleasure: *Provided*, No real estate purchased by it in satisfaction of any debt, judgment, or decree shall be held by it for a longer period than five years. The board of directors may make all needful by-laws for the government of the bank not inconsistent with the laws of Kentucky.

Private property
not liable for
corporate debts.

§ 7. The private property of stockholders shall not be liable for the debts of the corporation, and the indebtedness of the bank, other than for general deposits, shall at no time exceed the amount of its paid-up capital.

Oath.

§ 8. Before entering upon their duties, the president, directors and other officers of the bank shall take an oath before some justice of the peace, notary

public or police judge, to faithfully and honestly discharge all the duties incumbent upon them under this charter, and that they will not sanction or permit any violation of it; and should any occur, will at once report the same to the Attorney-General of this Commonwealth.

§ 9. Nothing in this charter shall be construed to allow the bank to issue any note or bill to pass or circulate as money. Not issue money.

§ 10. The General Assembly, at all times, shall have the right to examine the affairs of the bank by any committee, officer or agent appointed for that purpose, and reserves the right to alter, amend or repeal this charter at pleasure. General Assembly.

§ 11. This act shall take effect and be in force from and after its passage.

Approved April 7, 1888.

CHAPTER 912.

AN ACT to amend an act, entitled "An act to incorporate the Wilmore and Kentucky River Turnpike Road Company, in Jessamine county," approved April 19, 1886.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Wilmore and Kentucky River Turnpike Road Company be authorized to erect one gate, and charge one full toll, on the entire line of its road.

§ 2. This act shall take effect from and after its passage.

Approved April 7, 1888.

CHAPTER 913.

AN ACT to amend an act, entitled "An act to incorporate the Kentucky Paving and Contract Company," approved April 30, 1884.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to incorporate the Kentucky Paving and Contract Company," be amended by changing the name of said corporation to "Kentucky Contract Company," by which name it shall contract and be contracted with, sue and be sued, and have and exercise all the rights, privileges and powers provided in the original act or in this amendment.

§ 2. The private property of stockholders in this corporation shall be exempt from liability to the debts or obligations of the corporation.

§ 3. This act shall take effect and be in force from and after its passage.

Approved April 7, 1888.

CHAPTER 914.

AN ACT regulating the advertisement of real estate in Owen county which may be sold for debt or taxes or under decree of court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That hereafter sheriffs and master and special commissioners, making sales of real estate under execution, or by virtue of judgments, where the execution or judgment is for two hundred and fifty dollars (\$250) or over, shall advertise the time and place of sale in some newspaper published in the county, to be designated by the court or the officer, when under execution, where such sale is to be made, for two weeks, by weekly insertions, prior to the time of making the sale.

§ 2. That sheriffs shall also advertise the time and place of sale of lands for State and county taxes in some newspaper published within the county, for two weeks, by weekly insertions, prior to the time of making the sale.

§ 3. That the publisher of such newspaper shall be allowed eighty (80) cents per lineal inch of the usual type of such newspaper, for the first insertion, and forty (40) cents per lineal inch for the subsequent insertion of such advertisements as are provided for in first section of this act, to be taxed as costs in the action or proceedings, and twenty-five (25) cents for each tract of land or town lot of taxable property as required by section second, to be taxed up as costs of sale.

§ 4. That the master or special commissioner or sheriff making such sales shall be required to post one notice of each sale at the court-house door aside from such publication.

§ 5. That all laws or parts of laws in conflict herewith are hereby repealed.

§ 6. This act to apply only to Owen county, and shall take effect from and after its passage.

Approved April 7, 1888.

CHAPTER 915.

AN ACT amending the charter of the city of Owensboro.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the charter of the city of Owensboro be so amended as to provide that the common council of the said city, at the time it levies the other taxes for said city, shall have the power to levy for two years a tax not exceeding fifteen cents upon each one hundred dollars of property in said city liable to taxation for city purposes, for the purpose of raising a revenue to

pay the expenses of the fire department and rents of hydrants for fire protection in said city.

§ 2. That the common council be, and is hereby, empowered to appoint as many supervisors of taxes as there may be wards in said city at any time, one or more from each ward, as now provided in said charter.

§ 3. That section 28 of the charter of said city of Owensboro be amended by striking out of said section the words, "when the defendant resides in or is summoned in the city."

§ 4. This act shall take effect and be in force from its passage, except the first section, which shall not take effect unless a majority of all the qualified voters of said city shall vote in favor of said tax at a general or special election held in said city, due notice of the submission of such question and said election having been first advertised for two weeks previous thereto.

Approved April 7, 1888

CHAPTER 916.

AN ACT to amend an act, entitled "An act to reduce into one the charter and various amendments to the town of Frenchburg."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to revise and reduce into one the charter and various amendments of the town of Frenchburg, in Menefee county," approved April 1, 1880, be, and the same is hereby, amended by striking out of subsection fourteenth of section thirty-eight all that part after the words "or by-laws" at the end of the eighteenth line of said subsection, and insert in lieu thereof the following: "If any person shall sell spirituous, vinous or malt liquors, or any mixture thereof, within said limits, without first having complied with the foregoing provisions of this section, he or she shall be deemed

guilty of retailing liquors without license or keeping a tippling-house, as the case may be; and shall be fined as is provided in the General Statutes, sections three, four, five and six of article thirty-five and chapter twenty-nine, for the commission of such offenses. And the police court of said town shall have jurisdiction and be empowered to try said offenders when committed within said limits, without any indictment being found.

§ 2. This act shall take effect and be in force from and after its passage.

Approved April 7, 1888.

CHAPTER 917.

AN ACT declaring Barren river a lawful fence, in Allen and Barren counties, from the mouth of Bay's Fork creek, and up said river to Brown's Ford.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Barren river, in the counties of Allen and Barren, in Kentucky, be, and the same is hereby, declared a lawful fence, for all intents and purposes, in said counties, from the mouth of Bay's Fork creek, up said river to Brown's Ford.

§ 2. That this act shall take effect and be in force from and after its passage.

Approved April 7, 1888.

CHAPTER 918.

AN ACT for the benefit of persons living within the Morganfield graded school district.

WHEREAS, The present Legislature has passed an act establishing a graded school district in the town of Morganfield, Union county, Kentucky, which act

has been approved by the Governor; and whereas, the area of said district is very large, and includes within its boundary large portions of already established common school districts; and whereas, many persons included in said graded school districts live at such a distance from the school-house therein as to be unable to get the benefit of said school; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all persons included in said graded school district, living one and one-half miles from the school-house therein, shall have, and they are hereby, given the right of listing their children with the trustees of the common school district nearest them; and when so listed therein, the *per capita* shall be paid to the district in which they are listed, and said children shall have the same right to attend the public school in the district in which they are listed as other children therein.

§ 2. This act shall take effect and be in force from and after its passage.

Approved April 7, 1888.

CHAPTER 919.

AN ACT to amend an act, entitled "An act to amend the charter of the Cairo and Tennessee River Railroad Company," approved February 25, 1888.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Cairo and Tennessee River Railroad Company be, and is hereby, authorized to branch their said road from Mayfield, in Graves county, to the Tennessee State line, at any point in the county of Calloway.

§ 2. That said company may branch their said road from a point in Trigg county, not further east than

one mile east of Cadiz, to the Tennessee State line, in the direction of Clarksville, Tennessee.

§ 3. That these branches shall be built under the provisions of the original charter of said company and the amendments thereto, and under the restrictions contained in the act to which this is an amendment, except as to the length of these two branches.

§ 4. This act shall be in force from its passage.

Approved April 7, 1888.

CHAPTER 920.

AN ACT to amend an act, entitled "An act to amend an act, entitled 'An act to incorporate the Frankfort Cemetery Company,'" approved March 26, 1888.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 4 of an act, entitled "An act to amend an act, entitled 'An act to incorporate the Frankfort Cemetery Company,'" approved March 26, 1888, be, and the same is hereby, amended by adding thereto the following: *Provided, however,* That the regulations of the said board of trustees providing for the exclusion from the said company's grounds of any citizen of this Commonwealth, shall be approved by the Governor of this Commonwealth, who is hereby made *ex officio* a member of the board of trustees of said company.

§ 2. This act shall take effect and be in force from and after its passage.

Approved April 7, 1888.

CHAPTER 921.

AN ACT to amend the charter of the town of Granard, in Fayette county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That no steam or street railroad or railway shall be constructed through or along any street or alley, or through the territory embraced within said town, without the consent of the trustees of said town ; but nothing in this act shall be held to operate against the rights and privileges of the Covington and Lexington Railroad Company, whose tracks now pass through said town.

§ 2. This act shall be in force and take effect from and after its passage.

Approved April 7, 1888.

CHAPTER 922.

AN ACT to amend the charter of Russellville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to amend and reduce into one the acts in relation to the town of Russellville," approved May 1, 1880, be amended by adding after the word "brick," in the fifth line of section 36 of said act, the words "or such other substance or material as the mayor and councilmen may, in their discretion, deem suitable and proper."

§ 2. This act to take effect from its passage.

Approved April 7, 1888.

CHAPTER 923.

AN ACT to incorporate the Town of Springville, in Greenup county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Springville, in Greenup county, be, and the same is hereby, incorporated, with the following boundaries: Beginning at the west line (at Boundary. low-water mark of the Ohio river) of the village of Beattyville, and with said west line to the top of the river hill, and with course of hill to the east line of A. J. McAllister's land, and with said line to a point opposite the vacant house near A. J. McAllister's residence, and with the base of the river hill to the east line of Tyler lot, and thence a straight line to the Ohio river, and with the river to the beginning.

§ 2. That there shall be five trustees elected annually on the first Monday in June in each year in said town; that said trustees, and successors in office, shall be a body-politic and corporate, and known by the name and style of Trustees of the town of Springville; and by that name be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, in all courts of this Commonwealth; and that said trustees may use a common seal; and shall have power to levy a tax of Annual election. Levy tax. not more than one dollar on each tithable within the corporate limits, and not more than fifty cents on the one hundred dollars' worth of taxable property of said town; and all fines and forfeitures for a violation of the ordinances of the said town shall be paid to the board of trustees of said town for the public good of said town.

§ 3. That on the same day set apart for election of Police judge. trustees of said town there shall also be held an election annually for the purpose of electing a police judge and town marshal for said town, who shall qualify and give bond, and shall have all the power and privileges

Liquors. of a constable, and be subject to the same duties and responsibilities as constables: *Provided further*, That at the first town election held in said town the question of license shall be submitted to the voters of said town. If a majority of said voters of said town be in favor of licensing the sale of spirituous, vinous and malt liquors within the corporate limits of said town, then the trustees of said town may grant license, and have power to fix the amount to be charged for said license, and may use the funds arising from said license to pay the salary of the town marshal of said town, or for the improvement of the streets of said town.

Jurisdiction of police judge. § 4. The police judge shall have jurisdiction only within the said corporate limits of all misdemeanors, and of all causes, civil, criminal, penal, and in which justices of the peace have jurisdiction, and shall hold four courts during each year for the transaction of civil business, the time to hold them to be fixed by said police judge; and any and all processes issued by him in penal cases shall be returnable before him.

Marshal. § 5. The marshal shall take an oath faithfully to discharge the duties of his office; and shall give bond, with security, to be fixed and approved by the board of trustees. He shall, in all cases, receive fees same as those allowed by law to constables for like services. He shall be subject to same proceedings and liable to the same penalties as constables are in like cases for non-performance of duty in office, and shall have all powers and privileges of constables in this Commonwealth.

Attorney. § 6. The board of trustees shall have power to appoint an officer, to be called the town attorney, for the town of Springville, whose duty it shall be to advise and counsel the board, prosecute and defend all suits for the use and benefit of the trustees of Springville, and to receive for his services such sum or salary to be fixed by the board. This board shall have power to pass all needful rules, by-laws and regulations, for

the government of said town, not inconsistent with the laws of the State of Kentucky.

§ 7. That the police judge and board of trustees shall take an oath before the county judge, or some justice of the peace of Greenup county, to faithfully discharge the duties of their respective offices.

§ 8. The police judge shall keep a docket upon which to enter his cases as same in other courts of this Commonwealth.

§ 9. *Be it further enacted*, That A. W. Bowser, R. H. McAllister, Samuel Brown, R. Seyfert, and C. L. Osborn, be hereby appointed a board of trustees for the town of Springville, to act until their successors are elected and qualified, and that E. L. Dunaway be appointed town marshal, and Reuben Thomson police judge, to serve until their successors are elected and qualified.

§ 10. This act shall take effect from and after its passage.

Approved April 7, 1888.

CHAPTER 924.

AN ACT to incorporate the Laketown Fence Company, in Daviess and Henderson counties.

WHEREAS, The section of land in west end of Daviess, and the east end of Henderson counties, lying in the Ohio river bottoms, State of Kentucky, are subject to overflow, and timber suitable for making rails is well nigh consumed, and to procure and transport the material is attended with a heavy expense; and whereas, every overflow of the Ohio river has demonstrated that all fences are impracticable; and whereas, it is believed to be to the interest of all concerned that one common fence should be built and kept up. The economy of such a fence would inclose some three thousand acres of land, the necessity existing in the

fact that, when the floods come late in the spring of the year, it would be impossible to get in a crop if the farms were to be first separately fenced. It is further believed the proposed common fence can be so located as to be made permanent; and whereas, the cost of said common fence should be shared alike by those interested; whereas, said fence crosses two county roads, and gates are already established, no inconvenience thereby resulting to the traveling public from location of said road; and whereas, the expense of building and keeping said fence in repair, and any and every outlay necessary to the success of the project, should be borne alike by all parties receiving benefit therefrom; and whereas, it will be necessary to have such rules and regulations, with power to enforce them, as will regulate the time of putting up stock inside of said inclosure, and to prevent the turning loose of stock before all parties shall be in condition not to be injured thereby, and to regulate many and various other matters connected with the use of the common fence unnecessary to enumerate; and whereas, it will be necessary to inflict fines and penalties in order to the enforcement of such rules and regulations as may be established; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. F. Mason, N. M. Newman, Hiram Cameron, James Mattingly, J. T. Gossler, S. A. Williams, J. A. Jones, C. R. Priest, G. W. Williams, J. T. Higgins, F. T. McAtee by J. G. Taylor, agent; Mrs. S. McCormick by N. G. Stanley; Miss Sallie Bradshaw by N. G. Stanley; N. S. Parks, H. Grisom, Dr. G. B. Tyler, I. M. Herr, and such other persons in their steads as may succeed to the ownership of said lands lying inside the fence proposed to be built, be, and they are hereby, constituted a body-politic and corporate, under the name and style of the Laketown Fence Company; with power to sue and be

Incorporators.

Name.

sued ; to contract and be contracted with, for the specific purpose set forth in preamble and to wit : To build and rebuild, and keep in repair from year to year, one common fence, inclosing their land as herein-before mentioned. The proposed common fence shall begin on the Ohio river, at the south-east corner of the Scuffletown Fence Company's fence, in Henderson county, Kentucky ; thence up the ridge to Grissom's landing, in Daviess county ; and in the event it becomes necessary, in the construction of said fence, to cut down or use any valuable timber on the lands of any person, the parties interested shall agree on the value of the same, and in the event of their failure to agree, the question of valuation shall be referred to disinterested persons, mutually chosen by the parties ; and in the event they disagree, a third party may be chosen by them, and they shall make an award in writing, which shall be the basis of payment of the fence company ; subject, however, to appeals from the award of arbitrators to any tribunal of competent jurisdiction.

§ 2. They shall elect of their number a chairman, a Elect officers. secretary and a treasurer, two-thirds of the parties above-named constituting a quorum for such election or for the transaction of any business whatever. In the event of the division and sale of any of the lands inclosed by the common fence, increasing the number of parties in this corporation by virtue of the first section of this act, it shall require two-thirds of all the parties to constitute a quorum for the purpose set forth in this section.

§ 3. They may have power to pass any rules and Rules. regulations, and to impose fines and penalties they may deem proper to insure the success of the object of this act.

§ 4. It shall be the duty of the secretary to make Contracts. all contracts involving the expenditure of money ; but no such contracts shall be binding on the company

until submitted for their approval and countersigned under their order by the chairman, a record of the yeas and nays being kept by the secretary; and whenever it becomes necessary to meet the expenses incurred by any contract of the company, it shall be the duty of the secretary to assess a specific tax upon the parties named in this act, or hereafter becoming parties by virtue of this act, in proportion to the number of acres of land owned by each inside of said common fence, which shall be determined by the deeds filed in the clerk's office, sufficient in the aggregate to cover said expense, and to deliver a copy of such assessment or assessments, over his official seal or signature, to the treasurer.

Secretary.

§ 5. It shall be the duty of the treasurer to collect all assessments made and delivered to him by the secretary from the parties against whom such assessments have been made, and he is hereby granted the power to collect the same by law; and to secure the payment of any such assessment, the company shall have a lien upon the land inclosed by the common fence, and against which the assessment has been made, which lien may be enforced by any court of competent jurisdiction in the above counties of Daviess and Henderson. It shall further be the duty of the treasurer to collect all fines imposed under the power granted in the several sections of this act, and he shall have power to collect same.

Treasurer.

§ 6. It shall be lawful for them to contract for the purchase, and purchase any fence or parts of fence that may be already built upon the route of the proposed common fence, and to employ and salary a man to keep said fence in good order and repair.

May buy fence.

§ 7. It shall be unlawful for any person to break or throw down the common fence, and any person so offending shall forfeit and pay to the treasurer of said company not less than five nor more than twenty-five dollars, at the discretion of a jury, recoverable before any court of competent jurisdiction in said counties,

Unlawful to break or throw down.

and shall be further liable for all damages that may ^{Damages-} accrue by reason of his throwing down the common fence, recoverable in like manner; and any stock roaming about in the common inclosure, after the time prohibited by the by-laws of said company, shall be taken up by order of said company, and kept at the expense of the owner (and such charge shall be a lien on said stock) until the owner comes and takes it away, and pays charges for the keeping: *Provided, however,* That a written or printed description of said stock shall be posted at the entrance to the common inclosure, and in two other conspicuous places within said inclosure.

§ 8. The first annual election to take place at Car- ^{Elections.} linsburg the first Monday in March, 1888, and each subsequent election the first Monday of February of each year, at which time there shall be chosen a president, secretary and treasurer, each of whom shall hold their office until the next annual election. Any vacancy occurring in the office of president, secretary or treasurer, shall be filled at any fixed meeting of the company by regular election, times of holding meetings to be fixed by the by-laws of said company.

§ 9. The right to alter, amend or repeal this act is hereby reserved to the General Assembly.

§ 10. Nothing in this act shall be construed as taking away the right of any person to maintain an action for any trespass on the lands inclosed by said fence.

§ 11. This act to take effect from and after its passage.

Approved April 7, 1888.

CHAPTER 925.

AN ACT to incorporate a board of commissioners and treasurer for Knott county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Elections. § 1. That there is hereby established, in Knott county, a tribunal to be styled a board of commissioners of Knott county, which shall consist of three members, to be elected on the first Monday in August, 1889, by the qualified votes of Knott county, in the same way and manner that the county officers of said county are now elected.

Commissioners appointed. § 2. That Jonathan Jones, Silas Boggs, and W. J. Hall be, and they are hereby, appointed to serve until their successors shall be elected and qualified.

§ 3. That the term of said commissioners elected shall be four years, and until their successors be elected and qualified.

Meetings. § 4. That the said board of commissioners shall meet on the first Monday in October, January and June of each year, and may remain in session not exceeding six days, if the business shall require.

Oath. § 5. Said commissioners shall, before entering upon the discharge of their duties, take an oath (besides the constitutional oath) that they will faithfully and impartially discharge all the duties devolved upon them, and execute a bond, with approved security, in the sum of two thousand dollars, to Knott county, that they will, in all things, honestly and faithfully discharge all duties required of them. Any person may sue on said bond who injured by a breach of same in any court having jurisdiction.

Chairman ex officio. § 6. The county judge shall be *ex officio* a member of said board, and chairman of the same, and shall preside and keep order, and sign the records of all their proceeding, and shall only vote when a tie shall occur. If the county judge shall fail to be present, or

could not properly preside at any of such meeting of same, they shall select one of their number to preside, who shall have the same powers as the county judge, and in like manner sign the proceedings of said commissioners.

§ 7. The county court clerk shall attend the meetings of said commissioners and record the detailed proceedings of same in suitable books for that purpose. County clerk.

§ 8. All meetings shall be held in the court-house. Meetings.

§ 9. The county judge shall have power to call the said commissioners together at any time that the business may require, and when so called may remain in session three days. Call meetings.

§ 10. Two shall constitute a quorum to do business, together with the county judge. Quorum.

§ 11. That the per diem shall be three dollars, necessary engaged in the transaction of business, to be paid out of the county levy.

§ 12. That the said board of commissioners shall have all the powers, and be required to perform all the duties, that the now existing laws is vested in the court of levy and claims, consisting of the county judge and the justices of the peace, sitting as a court of claims for said county, and hereafter the said board of commissioners shall perform of said duties that is now required to be performed by the court of claims heretofore in said county. Powers.

§ 13. That appeals may be had on all claims presented to said board of commissioners that was allowed from the court of claims heretofore, in the same way and manner as provided by law. Appeals.

§ 14. That said commissioners shall, at its meeting January, 1889, elect a treasurer of said county, and every four years thereafter, whose duty it shall be to receive all money ordered into his hands belonging to said county, and safely keep it until ordered to pay the same out by said board ; but before he shall enter upon the discharge of such duty, he shall be required Elect treasurer.

to give a bond in the sum sufficient to cover all money that is likely to come into his hands, with good security; the bondsman must be worth said sum in real estate in this State, over and above all debts and liabilities, covenanting that he will perform all the duties required of him, and that he will safely keep, and, when ordered, properly disburse, all moneys coming to his hands as such treasurer; any person may sue on same who shall be aggrieved by the wrongful act or omission of same.

Repeal acts. § 15. That all acts authorizing the county judge and justices of the peace to sit as a board of levy and claims in Knott county, is hereby repealed.

Failure to act. § 16. That if, from any cause, the commissioners appointed by this act refuse or fail to comply with the provisions of said act, the present board of levy and claims, composed of the county judge and justices of the peace of Knott county, shall continue in office until a board of commissioners are elected at the August election in 1889, and qualified in accordance with this act.

§ 17. This act shall take effect and be in force from and after its passage.

Approved April 7, 1888.

CHAPTER 926.

AN ACT to prevent farm stock from running loose within the corporate limits of the town of Ghent.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Stock run at large. § 1. That it shall be deemed unlawful for the owner of any horses, cattle or hogs to permit the same to run loose unprotected within the corporate limits of the town of Ghent, in Carroll county, or between Water street in said town and low water-mark on the Ohio river.

§ 2. *Be it further enacted*, That the board of trustees of said town shall procure a lot of land, by lease or purchase, within the corporate limits of said town, in which all such stock shall be impounded as hereinafter provided.

Trustees impound stock.

§ 3. *Be it further enacted*, That the board of trustees of said town shall appropriate, out of the treasury thereof, such sum or sums of money as will be sufficient to pay the annual rent or purchase price for such lot of ground, and to inclose and keep inclosed with a sufficient fence said lot of land.

Trustees appropriate money for purchase or rent of lot.

§ 4. *Be it further enacted*, That the town marshal of said town of Ghent shall take up and impound in said pound all such stock as he may find running loose unprotected within the corporate limits of said town, or between Water street and low water-mark in front of said town ; and for taking up and impounding the same, the owner thereof shall pay to him seventy-five cents for each horse, and fifty cents for each head of cattle, and twenty-five cents for each hog, and when said stock is so impounded, the owner thereof shall be immediately notified of the same by said marshal, if the owner thereof is a resident of said town ; but if he or she is not a resident of said town, the marshal shall give notice to such owner by written notice through the post-office.

Town marshal—define his duties and powers.

§ 5. *Be it further enacted*, That if such stock is not immediately taken out of said pound, the marshal shall feed and water the same, for which the owner thereof shall pay him forty cents per day for each horse or head of cattle, and twenty cents for each hog.

Stock confined in pound.

§ 6. *Be it further enacted*, That said stock shall be sold by said marshal if the fees and expenses are not paid within thirteen days after such impounding ; and for the purpose of making such sale said marshal shall advertise the time and place of making the same within three days after such stock is impounded. Such notices shall be in writing, and posted at three or more public places in said town ten days before the

Sale of stock impounded.

date of such sale ; and said marshal shall have out of the proceeds of such sale the same commission that is allowed by law to constables for selling similar property under execution. But if said stock, when so sold, brings more than is necessary to pay said costs, expenses and commission, such overplus shall be paid by said marshal to the owner of said stock.

§ 7. *Be it further enacted*, That said town marshal, and the sureties on his official bond, shall be held and bound for the faithful discharge of all his duties under this act, and for all damages that others may sustain by reason of any failure on his part to discharge such duties.

§ 8. *Be it further enacted*, That this act shall go into full force and effect from the date of its passage.

Approved April 7, 1888.

CHAPTER 927.

AN ACT to repeal an act, entitled "An act to amend chapter 575; an act, entitled 'An act to provide for appointing and electing county commissioners and defining their duties,'" approved May 6, 1880.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section 1 of the act mentioned in the title hereof be, and the same is hereby, amended so as to read as follows: It shall be the duty of the county commissioners of Kenton county to keep in repair the bridges and approaches thereto, and the culverts on the county roads in said county, outside of the city of Covington, and other incorporated towns and cities in said county, which are not subject to county levy; and said commissioners are authorized to make and build new bridges, and approaches thereto, and culverts on the county roads in said county, outside of such cities and towns, whenever the same may be by

them deemed necessary. All such work shall be done at the cost and expense of said county.

§ 2. This act shall be in force from its passage.

Approved April 7, 1888.

CHAPTER 928.

AN ACT to repeal the charter of the city of Henderson and the acts amendatory thereto, and to reincorporate the said city of Henderson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

ARTICLE I.

That the charter of the city of Henderson, Kentucky, and the acts amendatory thereto, are hereby repealed, and said city of Henderson is hereby reincorporated.

§ 1. That the boundaries of the city of Henderson ^{Boundary.} shall be as follows: Beginning at a stone on the west side of the Madisonville road; thence north 48°, 35' east, five thousand six hundred and forty-one feet to a stone near the White bridge on the Henderson and Zion Gravel Road; thence in a straight line north 11° 35' west to the dividing line of the ten-acre lots Nos. 4 and 5; thence with the dividing line of said lots north 71°, west to low-water mark on the Ohio river on the Indiana shore; thence down the river with the meanders thereof at low-water margin, to a point opposite the south line of Hancock street; thence across said river south 59°, east along the south line of said Hancock street in a straight line to the beginning.

§ 2. The territory embraced within this boundary ^{Corporate.} is hereby declared to be a city, and the inhabitants thereof are created a body-corporate and politic forever, with perpetual succession, by the name of the "City of Henderson;" and by that name retain-

ing and possessing the power to sue and be sued, plead and be impleaded, contract and be contracted with; to have and to use a common seal, and the same to alter, change and renew at pleasure; and to hold, enjoy, lease or sell, and dispose of any property now vested in the city of Henderson, or in any person or corporation for the use of said city, or which may be hereafter required to the intent and purposes for which the same was, is, or may be taken or granted, notwithstanding its locality; and in all suits against said city, service of process shall be upon the acting mayor, or, in his absence, upon the council, clerk, and marshal. The said city shall have police jurisdiction on the Ohio river for one mile above and below the boundaries of the city.

Wards

§ 3. The city shall be divided into four wards as follows: The street now known as Green street, from the upper to the lower city limits, shall divide the river wards from the back wards; and the line of the street known as First street, running from the river and continued in the same direction until it intersects the back boundary of said city, shall divide the upper from the lower wards. That portion of the city north of First street and west of Green street shall comprise the first ward; that portion south of First street and west of Green street shall comprise the second ward; that portion south of First street and east of Green street shall comprise the third ward; that portion north of First street and east of Green street shall comprise the fourth ward.

ARTICLE II.

Distribution of Powers of Government.

Distribution of powers.

The corporate powers of the city of Henderson shall be divided into three distinct separate departments, viz: Legislative, executive and judicial; and no person or officer in one of these departments shall

exercise any power properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted.

ARTICLE III.

Legislative Department.

§ 1. The legislative powers of the city of Henderson ^{Council.} shall be vested in a board of councilmen selected from the several wards of said city as hereinafter provided for, which shall be styled the common council of the city of Henderson.

§ 2. No person shall be eligible as a common coun- ^{Eligible.} cilman who, at the time of his election, is not a male citizen of the United States, has not attained the age of twenty-five years, and who has not resided in the county of Henderson two years next preceding his election, and the last six months thereof in the said city, and who is not a bona fide resident of the said ward for which he may be chosen, or who holds or discharges any office or agency under the city of Henderson, the county of Henderson, or the State of Kentucky, the United States of America, or any department thereof, or under any of the States thereof, or any foreign government whatever; or who, at the time of his election, is interested, directly or indirectly, in any contract with the city of Henderson, or who holds any office of trust or salary in any corporation which holds any contract with said city, the terms, rates or prices whereof are subject to modification or enforcement by the said common council; and no collector or keeper of the city funds or money shall be eligible until he shall have settled with said city and obtained a quietus: *Provided, however,* A person shall not be ineligible as a common councilman who is a notary public, postmaster, United States commissioner, commissioner of deeds, examiner for Henderson county, deputy collector of the United States internal revenue, master commissioner of the Henderson circuit court, or a court of similar jurisdiction.

Removal from
ward.

§ 3. And if, after election, any member of the common council should remove from the ward for which he was chosen, or accept any office or agency, the holding or discharging of which would have rendered him ineligible, or do any other act or thing which would have rendered him ineligible, his seat as a member of the said council shall be thereby vacated, and the vacancy be supplied as hereinafter directed with regard to filling vacancies.

Shall not vote if
interested

§ 4. Stockholders in corporations may be eligible, but shall not vote on any question directly or indirectly affecting such corporation, or any right or duty under the same.

§ 5. No person shall be ineligible by reason of his being an officer in the militia of Kentucky.

Two councilmen
from each ward.

§ 6. The common council shall consist of two members from each ward in the city, who are to be elected by the qualified voters of each ward as hereinafter directed; and when so elected they are to hold their offices as herein provided. A. S. Nunn, present councilman from the first ward; Robt. Soaper, present councilman from the second ward; P. P. Johnston, present councilman from the third ward; M. M. Kimmel, present councilman from the fourth ward (all of whom were elected at the general election in August, 1887, for a period of two years), shall continue to hold their offices and be councilmen from their respective wards until the first Monday in September, 1889, and until their successors are duly qualified. Alex. Fenwick, present councilman from first ward; W. J. Marshall, Jr., present councilmen from second ward; Paul J. Marrs, present councilman from third ward; and Edward Manion, present councilman from fourth ward, shall continue in their offices and be councilmen from their respective wards until the first Monday in September, 1888, and until their successors are duly qualified. At the first general election after the passage of this act, one member is to be elected from each ward, who shall enter upon the discharge

of his office on the first Monday in September following, and shall hold his office for two years from said first Monday in September, and until his successor shall be duly qualified. And at each general election, in each and every successive year thereafter, there shall be elected from each ward one councilman, who shall enter upon the discharge of his duties upon the first Monday in September next after his election, and who shall hold his office for the term of two years, and until his successor is duly qualified.

§ 7. The common council shall keep, or cause to be Keep journal. kept, a correct journal of its proceedings; and said proceedings shall, after each meeting of the common council, be published in some newspaper printed and published in the city of Henderson; and all ordinances Publication of proceedings. adopted by the common council, before being enforced, shall be published at least once in some newspaper printed and published in the city of Henderson: *Provided, however,* That all ordinances, compiled and Publish ordinances. printed in pamphlet form, during the year 1888, as directed in section 9 of this article, shall be deemed sufficiently published, and shall be valid without any other previous publication.

§ 8. During the year 1888, and after the passage of Digest to be made. this act, this charter, and all school and funding bond acts in force, and all general ordinances of the city, shall be digested, compiled and printed in pamphlet form, with proper marginal references and a general index; and then at any time, in the discretion of the common council, all general laws and ordinances of the city shall be thus digested and published.

§ 9. The common council shall meet on the first Monthly meetings. Tuesday in each month, and oftener if the interest of the city may require it; and shall meet upon their own adjournments, and determine the rules of their own proceedings. They shall designate, by ordinance, the time and place of their regular meetings.

§ 10. The members of the common council shall receive no compensation for their services as councilmen Compensation.

after the first Monday in September, in the year 1889; but until the first Monday in September, 1889, they shall each receive not exceeding three dollars for each meeting of the board; and shall be exempt from serving on juries of all kinds, and from military duty during their term of service.

Quorum.

Absence of
mayor.

§ 11. A majority of the members of the council shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. In case of the absence of the mayor from the city, or if he be sick or unable to attend to or discharge the duties of his office, any four members of the common council may cause the other members to be notified, and call a meeting of the council when necessary for the interests of the city.

Rules of pro-
ceedings.

§ 12. The common council may, by ordinance, prescribe the rules of its proceedings, and, by proper penalties, enforce the same, and punish members for disorderly behavior.

Two-thirds vote.

§ 13. No ordinance for street improvements or assessing a tax against the property of any person, nor for the paying out of money of the city, nor of a penal nature, shall have force as a law unless the same be voted for by two-thirds of all the councilmen then elected, and unless the yeas and nays thereon be called and recorded in the journal of proceedings. All other ordinances, laws or resolutions shall be valid if voted for by a majority of the members present.

Yeas and nays.

§ 14. Upon all questions voted upon by the common council, any member shall have the right to call for the yeas and nays, and have the same recorded by the clerk.

License tax.

§ 15. The common council of the city of Henderson shall have power, in addition to other powers herein granted, to impose a license tax upon any or all of the following businesses, employments, establishments

and concerns, that are pursued, carried on, or held within said city, and to require persons pursuing any of such businesses, employments, establishments, or concerns, to procure a license therefor, and shall provide by ordinance the way or mode for the collection of same, and for the payment of same into the sinking fund, with adequate penalties for doing business without the required license. Said license tax shall be as follows, to wit:

1. For each grocer, merchant, or any establishment License tax. wherein spirituous, vinous, malt or fermented liquor is sold in quantities less than the original packages, and in quantities not less than a quart, not less than fifty dollars nor more than one hundred and fifty dollars.

2. For each and every theatrical performance, exhibition, show, circus, menagerie, or other performance for which a price is charged for admittance, not less than three dollars nor more than two hundred dollars for each performance.

3. For each vehicle, except for family purposes, License tax. running in said city, not less than three dollars nor more than ten dollars. This shall not be construed to exempt a grocer, ice or coal dealer, or any other person, whether or not he pays a license tax for doing business, from the payment of a license tax upon each vehicle used by him.

4. For each billiard-table, pool-table, pigeon-hole-table, bowling-alley, shooting-gallery or Jenny Lind table, set up and carried on in said city, for the use of which any thing is charged or received, not less than ten dollars nor more than fifty dollars. License tax.

5. For each tavern or hotel, coffee-house, drinking saloon, club-room or other establishments wherein malt, fermented, vinous or spirituous liquors are sold in quantities less than one quart in said city, not less than thirty dollars nor more than five hundred dollars. License tax.

6. For each pawnbroker, commercial or exchange License tax.

broker, express company's office or agency, telegraph office, telephone exchange, not less than ten dollars nor more than fifty dollars.

License tax. 7. For each insurance agent or agency, not less than five dollars nor more than ten dollars; and for each insurance company represented by said agent or agency, not less than five dollars nor more than ten dollars.

License tax. 8. For each practicing lawyer, physician or dentist, or real estate agent, not less than five dollars nor more than ten dollars.

License tax. 9. For each itinerant veterinary surgeon or chiropodist, not less than ten dollars nor more than one hundred dollars.

License tax. 10. For each bank, not less than fifty dollars nor more than three hundred dollars.

License tax. 11. For each butcher, not less than twenty-five dollars nor more than one hundred dollars.

12. For each huckster making frequent trips or doing a regular business, not less than ten dollars nor more than fifty dollars.

License tax. 13. For each tobacco stemmery operated in said city, not less than thirty-five dollars nor more than five hundred dollars.

14. For each livery stable, fortune-teller or clairvoyant, not less than twenty dollars nor more than sixty dollars.

15. For each auctioneer doing business in said city, not less than twenty dollars nor more than one hundred dollars.

16. For each itinerant person or peddler peddling or vending any thing in said city, not less than fifty dollars nor more than one thousand two hundred dollars, but said council may, in their discretion, fix a license tax for such person for not less than five dollars per day.

License tax. 17. For each vendor of medicines, nostrums, drugs or other things sold at public outcry on the streets, not less than twenty-five nor more than three hundred dollars.

18. For each commission merchant or dealer in grain or tobacco broker, not less than twenty-five nor more than five hundred dollars.

§ 16. Every business, employment or concern here-
inbefore set forth, and authorized to be taxed and
licensed, may be classed and graded by the common
council, and the rate fixed by ordinance at or within
the minimum or maximum hereinbefore provided;
and the amount herein fixed is the amount fixed for
license per year, except where a different time is
herein expressed; and no license authorized hereby
shall be granted for a longer period than one year,
but may be for a shorter, within the discretion of
the common council; but shall not be granted at a
less rate for said shorter period than a proportionate
part of the amount charged for such license per
year. No tax or license shall be required or charged
for any literary or other entertainment, the proceeds
of which are devoted to any church or charitable
purpose, or to any Sabbath school.

Council to grade
and fix rate.

§ 17. The unexpired time of any license granted as
herein provided may be transferred by the holder
with the consent of the common council.

Unexpired
license.

§ 18. The common council shall have the further
power and authority, by ordinance, to impose a li-
cense tax upon any or all other businesses, employ-
ments, concerns or establishments not herein speci-
fied, that are pursued or carried on or held within
said city, and same may be classified and graded
and the amount of said license tax fixed by the
common council. Said common council may also
require persons engaged in or carrying on any of
the aforesaid businesses, employments, concerns or
establishments, or any business, employment or es-
tablishment or concern upon which the said coun-
cil may be authorized to impose a license tax, to
procure a license therefor, and no license shall be
for a longer period than one year, but may be for a

License powers
of council.

shorter period, in the discretion of the council; and the common council may, in their discretion, permit the unexpired term of any license to be transferred. The said council may provide adequate fines and penalties to enforce the payment of the license tax and the procurement of the said license. Said license tax shall be collected as directed by the council and paid into the sinking fund. Said fine shall in no case exceed one hundred dollars for each offense, and shall be paid as other fines into the city treasury, and the city court shall have jurisdiction of the offense.

License live
stock.

§ 19. That the common council of the city of Henderson shall have power to tax, license, restrain and regulate the keeping of dogs, cows and hogs within the limits of said city; and may provide by ordinance for the collection of said tax, and the manner in which such animals shall be kept, regulated or restrained or prevented from running at large in the said city, with suitable fines and penalties, to be inflicted upon any one for a violation of said ordinance. Said fine shall in no case exceed sixty dollars for each offense, and shall be paid as other fines into the city treasury, and the city court shall have jurisdiction of the offense.

§ 20. The common council shall have power within the limits of the city, in addition to other powers granted by the charter—

Taxes.

1. To levy and collect taxes at the rate of not exceeding eighty-five cents for the years 1888 and 1889, and not exceeding sixty cents thereafter, on each one hundred dollars of value of all property in said city, subject to taxation under the present revenue laws of this State for State purposes; except, however, upon property hereinafter expressly excepted. Said tax (mentioned in this section) so raised is to be used to defray the ordinary expenses of the city government; and the common council may levy and use any tax raised hereunder for the purpose of repairing school

buildings, or for purchasing lots and erecting school buildings thereon; and for the further purpose of improving streets, and for making any and all improvements in or about said city, or for the improvement of any property owned by said city, or for any other purpose, in the discretion of the common council.

2. To borrow money on the credit of the city, and Borrow money. pledge the revenues for the payment thereof.

3. To appropriate money and provide for the pay- Appropriate money. ment of the debts and expenses of the city.

4. To make regulations to prevent the introduction Prevent spreading of disease. or spreading of contagious or infectious diseases in the city; to pass quarantine laws for that purpose, and to enforce the same within five miles of the boundaries of the city.

5. To erect and establish hospitals and pest-houses, Establish hospital. and make regulations for the government of the same.

6. To make regulations to secure the general health General health. of the inhabitants of the city.

7. To prevent, abate and remove nuisances at the Suppress nuisances. cost and expense of the owners or occupiers, or of the parties upon whose grounds they exist, and to define and declare by ordinance what shall be a nuisance within the limits of the city, and to punish by fine any person for keeping, causing, erecting, maintaining or committing a nuisance.

8. To provide the city with water; to erect hy- Provide water. drants, fire-plugs and pumps in the streets, within or beyond the limits of the city, for the convenience of the inhabitants of the city and its environs.

9. To open, receive, alter, abolish, widen, extend, Streets. grade, gutter, pave, gravel or otherwise improve, clean and keep in repair, streets, alleys, avenues, lanes, wharves, landings, public grounds and squares, in the manner hereinafter provided; and to drain the streets and public places, and to condemn land for drainage purposes, in the same manner, and under the proceedings required in condemning lands for opening or widening or extending streets.

- Bridges.** 10. To establish, erect and keep in repair bridges, culverts and sewers, and regulate the use of the same : to erect dams and cover them over when the interest of the public requires it.
- Light.** 11. To provide for lighting the streets, market-houses and public buildings, rooms and offices, with gas or other material.
- Policemen.** 12. To appoint, establish, support and regulate policemen, night watches, patrols, and prescribe their duties and compensation.
- Market-house.** 13. To erect market-houses, establish market-places, and provide for the government and regulation thereof, and appoint inspectors of the articles sold therein, and to provide for the condemnation and destruction of stale, unwholesome meats or vegetables.
- Public buildings.** 14. To provide for the erection and repair of all needful public buildings, including school buildings for the city, and to provide for inclosing and improving all public grounds belonging to the city.
- River.** 15. To improve and preserve the navigation of the Ohio river within the limits of the city.
- Wharves.** 16. To erect, make and repair wharves and docks, and to regulate and fix the rate of wharfage thereat, and direct into what fund, and how the same, or any part thereof, shall be paid.
- Regulate vessels.** 17. To regulate the stationing or anchoring of vessels or boats or rafts within the city limits, and the depositing freight and lumber on the public wharves.
18. To regulate or suppress vulgar or indecent theatrical or other exhibitions, shows and amusements, circuses, menageries and museums, gaming, drunkenness, gambling-houses, and disorderly houses of all kinds.
19. To provide for the prevention and extinguishment of fires, and to regulate and establish fire companies ; also to regulate and restrain the erection of wooden buildings in any part of the city said council may deem proper, and to provide for the removal of the same when built contrary to the ordinances of the

city ; to appoint fire wardens and property guards, with full power to arrest and to keep away from the vicinity of any fire idle or suspicious-looking persons lurking near the same, and to compel any person or persons present to assist in extinguishing fires or preventing the spreading of fires, and to have power to compel all persons present at a fire to assist in the preservation of property exposed to the dangers of the fire, and to prevent the purloining or stealing goods or property at such fire, and such other power and duties as may be prescribed by ordinance.

20. To regulate the sweeping or cleaning of chimneys, and to fix the fees therefor, and to prescribe the manner of their collection. Cleaning chimneys.

21. To regulate the storage of gunpowder, tar, pitch, rosin, hemp, cotton, and all other combustible materials ; and to appoint some suitable person or persons at seasonable times to enter and examine such houses as they may designate, in order to ascertain whether any of such houses are in a dangerous condition with reference to fires, and to cause such as are in a dangerous condition to be immediately put in secure order and condition. Gunpowder.

22. To erect and keep in repair accurate public scales, and appoint a public weigher to attend to the same, and fix fees and compensation for his services ; to establish standard weights and measures, and to regulate the weights and measures to be used in the city in all cases where the same are not provided for by law. Public scales.

23. To provide for the measurement and inspection of lumber and other building material. Lumber.

24. To provide for the inspection, weighing and measurement of hay, stone-coal, charcoal, fire-wood, beef, pork, bacon, flour, meal, whisky in barrels, hogsheads or other vessels: *Provided*, That nothing in this act shall be so construed as to authorize the inspection of any of the articles enumerated which are to be shipped beyond the limits of the State, ex- Grain, etc.

cept at the request of the owner thereof, or of the agent having charge of the same.

Inspection. 25. To provide for and regulate the inspection of butter, lard and other provisions; to regulate the vending of meat, poultry and such other articles of consumption within the city as may be enumerated by ordinance, and to restrain and prevent the forestalling of provisions brought to the city for sale, and to prevent the hucksters from forestalling such provisions as may be brought into the city for sale.

Appointment of officers. 26. To provide for the appointment of all officers, servants or agents of the city not otherwise provided for, and fix compensation and fees for their services.

Compensation. 27. To fix the compensation of all city officers not otherwise provided for, and regulate pay and fees of all jurors, witnesses and others, for services rendered under this act or any ordinance.

Work-house, etc. 28. To erect a work-house, poor-house and house of correction, and to provide for the regulation and government thereof.

To license ferries 29. To license, tax and regulate all ferries on the Ohio river within the limits of the city, and to fix the rates and charges thereon; or they shall have power to lease, under such terms as may be deemed to the interest of the city, any such ferry for a term not exceeding five years, and require of the lessee such bonds as may be proper to insure an observance of law, and full compliance with the terms of the lease.

Head tax. 30. To levy and collect annually upon every male inhabitant of the city twenty-one years of age or over, residing within said city on the tenth day of January, a head or personal tax of not exceeding two dollars, and to provide for the collection thereof by levy and sale of the personal property of the person against whom such tax is assessed, or by a personal judgment, attachment or garnishment, in their discretion.

Riots, routs, etc. 31. To prevent or restrain any riot, rout, noise, disturbance or disorderly or unlawful assembly in any

street, house or other place in the city, and for the arrest and confinement and trial of parties engaged or taking part in the same.

32. To prevent and remove any and all encroach-<sup>Streets and
alleys.</sup>ments into or upon any street, alley, sidewalk, lane, avenue or public square, established by this charter or by ordinance, and to exercise complete and perfect control over all public squares or commons belonging to the city, and over all property, real or personal, belonging to the city, lying within or beyond the limits of the city.

33. To appoint and remove at pleasure (a majority <sup>Wharfmaster,
warden, etc.</sup> of the members concurring), and to prescribe the duties, compensation and fees of the wharfmaster, warden or keeper of the work-house and house of correction, keeper of the poor-house, keeper of the pest-house, superintendent and keeper of the hospital, city physician, market-masters, cemetery sexton, street inspectors, weighers, measurers, and attorneys to act as legal advisers of the common council, policemen, city teamster, clerk of the common council, assessor, and all servants, agents, officers or other employes appointed or elected by the common council.

34. The laws of the State of Kentucky prescribing <sup>Marshal and
police.</sup>or regulating the duties of policemen or marshal shall apply to such officers of the city of Henderson, except as provided for by this charter and by such ordinances as the council may hereafter adopt. And the marshal and the police officers shall discharge the duties of their respective offices under the orders or directions of the mayor and common council. And said council shall have power to make any and all regulations for the control and government of such officers, and may provide or require any duties at their hands not inconsistent with the charter of the city of Henderson; and shall require of them a bond for a faithful discharge of their respective duties. And such bonds may contain such other conditions or stipulations as the common council may deem proper or necessary.

35. To provide for the prevention of training or breaking animals, or exhibiting stallions, jacks or bulls in the public streets and places of the city.

Breaking or training animals prohibited.

36. To provide for the removal from the limits of the city, or killing of mischievous or vicious animals, and for the punishment, by suitable fines and penalties, of the owner or keeper of such animals, for allowing them to go at large.

Mischievous or vicious animals.

37. The common council may grant right of way over the public streets and other public grounds of the city to any railroad company for railroad purposes, for such time, and in such manner, and on such conditions as to them may seem proper, and shall have a supervisory control over the use of the same, and shall regulate speed of cars, signals, etc. And said council shall have power to compel railroad corporations (at the expense of said corporations) to place watchmen or gates at street crossings, and such other places as in the discretion of the common council are necessary, and to prescribe the duties of such watchmen.

Right of way over public streets for railway purposes, etc.

38. To make such rules, regulations, by-laws and ordinances, for the purpose of maintaining the peace, good government and order of the city of Henderson, and the trade and commerce and manufactures thereof, as the common council may deem expedient, not repugnant to the Constitution of the State, and to force the observance thereof by inflicting penalties and fines upon any person for the violation thereof, not exceeding one hundred dollars for any one offense, and to make all ordinances which shall be necessary and proper for carrying into effect the powers vested by this act in the corporation, the city government, or any department thereof.

Rules and regulations.

39. The common council is hereby authorized to require, at any time, any officer or agent of the city of Henderson, whether elected or appointed under the provisions of the charter or ordinances, to execute a new bond, or a bond with new or additional

Bond of officers.

sureties: *Provided, however,* They shall give him at least ten days' notice of the time when said new bond, or bond with new or additional sureties, will be required; and if he fails to execute such bond as required, when required, the said council may remove him from office, and declare his office vacant.

§ 21. The common council shall have power to purchase lands for, and locate cemeteries, either within the city limits or elsewhere in Henderson county, and to make rules and regulations, by ordinance or otherwise, for the government and control of any cemetery it now owns or may hereafter own, and to change same at their pleasure, and to enforce an observance of same by adequate fines and penalties; and to give a name to same, by ordinance or otherwise, and to change same at their pleasure. Lands for cemeteries.

§ 22. The common council shall have power, by ordinance, to define what shall constitute vagrancy, and the punishment therefor. Vagrancy.

§ 23. The common council may require a bond, conditioned for such purposes as they may deem proper, from any of its officers, agents, servants or employees. Official bonds.

§ 24. Whereas, the city of Henderson is the owner of certain gas-works, by which the city and its inhabitants are supplied with gas, which works are under the supervision of the common council; and whereas, it may be deemed expedient to transfer the management and control of said works to commissioners, to be appointed by the common council; therefore, be it further enacted, that the common council may, if they see proper, appoint three persons, who shall constitute and be known as the board of gas commissioners, who shall hold their office in discretion of said council, and all or any of them shall be subject to removal at any time, in discretion of council. The treasurer of the city of Henderson shall, *ex officio*, be treasurer of said board, and the clerk of the common council be, *ex officio*, secretary of said board; but neither the said treasurer nor secretary shall have any Gas-works. Commissioners. Treasurer.

vote or control as members of said board. The duties of the said board of gas commissioners, and the duties of the secretary and treasurer, shall be prescribed by the common council by ordinance. Said common council may, at any time, resume the management and control of said gas-works, or change same at any time, and as often as they see proper, back to the board of commissioners.

Public park.

§ 25. Whereas, the city of Henderson is the owner of a certain public park in said city; therefore, be it further enacted, that the present rules and ordinances governing said park may continue to exist: *Provided, however,* The common council may govern and control the same as they see proper, and adopt any rules, regulations or ordinances for the government of same they deem expedient, and enforce an observance thereof by adequate fines and penalties: *Provided further,* Said common council may, in their discretion, appoint three commissioners and transfer to them the control and management of said park, and prescribe their duties by ordinance; and said council may adopt for and give to said park any name they may see proper; and said council may resume entire control and management of said park at any time, in their discretion.

ARTICLE IV.

Executive Department.

Executive department.

§ 1. The supreme executive power of the city of Henderson shall be vested in a chief magistrate, who shall be styled the mayor of the city of Henderson, who shall be elected by the qualified voters of the city for the term of two years, and until his successor is duly elected and qualified.

Mayor.

§ 2. No person shall be eligible for the office of mayor who is ineligible for the office of councilman.

Compensation.

§ 3. The mayor shall receive as compensation for his services an annual salary of not more than one thousand dollars and not less than five hundred dol-

lars per annum, payable monthly; and, in addition thereto, he shall be entitled, for *ex officio* and other services, to such compensation as the common council may see proper to allow him; the amount of salary and other compensation to be fixed by the common council: *Provided, however,* The annual salary shall be fixed for his term of office at some meeting of the council before the mayor elect enters upon the discharge of his duties.

§ 4. The mayor shall be head of the police of the city, and command them in the performance of executive duties; shall be a conservator of the public peace, and when deemed necessary by him to enforce the laws of the city to save life or property, or to quell riots, he may summon into service any of the citizens, either civil or military; and in such cases he must be present and command in person; and the common council shall, by ordinance, prescribe suitable fines and penalties for disobedience of the mayor's orders or summons.

The mayor, his powers and duties.

§ 5. The mayor of the city of Henderson shall have power, and he is hereby authorized, to appoint additional policemen for said city whenever, in his judgment, the interest of said city may demand it. The policemen so appointed shall receive the same pay for their services as the regular policemen, for the length of time they may serve: *Provided,* That the mayor of said city shall make such appointments for no greater length of time than the next regular meeting of the common council.

Policemen

§ 6. The mayor shall have power, and he is authorized, to suspend at any time any policeman, for any cause which, in his judgment, may seem sufficient. In case of such suspension, he may fill the vacancy thus occasioned by appointment until the next regular meeting of the council, when said council may restore said policeman, or may remove him, and appoint some one to fill his place. During said suspension, such policeman shall receive no pay.

May suspend police.

§ 7. He shall see that the laws and ordinances of the city are duly enforced and observed, and are faithfully executed.

The mayor to
preside at all
meetings.

§ 8. The mayor shall preside at all meetings of the common council, decide points of order, and shall have the same power during the session to enforce good order and decorum, and to punish contempts, that presiding judges of county courts have given them by law.

§ 9. He may require information in writing from all officers of the city upon any subject relating to the duties of their respective offices.

§ 10. He shall, from time to time, give to the common council information of the state and condition of the corporation, and recommend to their consideration such measures as he may deem expedient.

§ 11. He shall perform and discharge such other duties as may be prescribed by ordinance, not inconsistent with the charter.

Special sessions
of council.

§ 12. He may call special sessions of the common council whenever, in his judgment, it may be deemed necessary, or to the interest of the city.

Casting vote.

§ 13. He shall give the casting vote whenever the common council may be equally divided upon any question or ordinance not requiring a larger vote than the majority of the members present.

Oaths.

§ 14. He shall have power to administer oaths and give certificates thereof, as county officers are by law authorized to do.

Mayor pro tem.

§ 15. In case of the absence of the mayor from the city, or of his death, resignation, removal from office, or inability or refusal to act, the members of the board of the common council shall elect one of their number as mayor *pro tempore*, who shall exercise the powers and discharge the duties of mayor until the disability be removed, or a new mayor shall be elected.

ARTICLE V.

Judicial Department.

§ 1. The judicial power of the corporation shall be vested in and exercised by a court, to be styled the Henderson City Court, which shall be held by a single judge, to be styled the Judge of the Henderson City Court, who shall be elected by the qualified voters of the city at the time of the general election for mayor, that is, on the second Monday in August in the year 1891, and every two years thereafter, and enter upon the discharge of his duties as an officer on the first Monday of September following, and hold his office for the term of two years from the first Monday in September as aforesaid, and until his successor is duly elected and qualified.

§ 2. No person shall be eligible to the office of judge of the city court unless he be a male citizen of the city, at least twenty-five years of age, and who shall have resided in the limits of the city at least one year next preceding his election.

§ 3. The Henderson city court shall have exclusive original jurisdiction in all prosecutions for violations of the ordinances of said city, and concurrent jurisdiction of all pleas of the Commonwealth arising within the limits of the city of Henderson, except cases of felony, and such misdemeanors as the Constitution of Kentucky or the United States requires to be prosecuted by indictment; and said court shall have power and authority to recognize witnesses to appear at court, and to take recognizances from persons charged with offenses cognizable before said court, to appear and answer the same that the circuit courts have, and the like power to take the same as forfeited, and pronounce judgment thereon, and to enforce full compliance with the same; and shall have the power of a judge of a county court as an examining court.

§ 4. The city court shall have charge and jurisdiction of all cases of vagrancy arising within the city limits.

§ 5. The judge of the city court shall be a conservator of the public peace, and may order arrests for all offenses against the laws of the State or ordinances of the city; and for those committed within his presence may order arrests without warrant, the person offending to be dealt with according to the laws of the State or ordinances of the city.

City court, when held. § 6. The city court shall be holden at such place within the city as the council may designate, or they failing to designate and provide a suitable place, at such place as the judge may select; the judge shall have power to fix the time of holding court, as in his discretion the business before him may seem to require.

Judge pro tem. § 7. That when, from any cause, the judge of the Henderson city court fails to attend, or if in attendance, can not properly preside in a case pending in said court, the clerk of the court shall hold an election among the attorneys who are present, and shall elect one of said attorneys in attendance to hold the court for this occasion; said attorney so elected shall preside, adjudicate, and have all the rights and powers of the regular judge. The clerk shall only vote in case of a tie.

Court of record. § 8. The Henderson city court shall be a court of record, and have a seal, which shall be provided by the common council, and shall remain and be in the custody of the clerk of the city court, to be used and affixed by him as the seals of the circuit courts are; and certified copies of the records of said court, over the signature of the clerk, with the seal attached, shall be evidence in any court of this Commonwealth.

Process. § 9. That all proceedings in, and process from the city court, where the fines are imposed under the laws Kentucky, shall be in the name of the Commonwealth of Kentucky; and where the fines and penalties are under ordinance of the city, proceedings and process shall be in the name of the city of Henderson; the process shall be made returnable to the

city court, and may be directed to the marshal or a policeman of the city; but the judge of said court may, for special cause, direct the process of said court to any sheriff, constable, coroner or jailer; and the person executing the process of said court shall be entitled to the like fees for the like services, and to the like remedy for the collection thereof, as the sheriff of Henderson county, and shall be subject to the like fines and penalties for the like offenses and failures, recoverable in the same manner: *Provided, however,* That when an arrest is made or process served by a policeman, the same fees for making said arrest or for serving said process shall be charged (as if the marshal had made said arrest or served said process), and taxed against the defendant as cost, and paid in the same manner and to the same persons to whom the fine is paid; and the marshal shall not be entitled to any of the aforesaid fees, except when he makes the arrest or serves the process in person.

§ 10. The fines and forfeitures recovered in the city court in the name of, or in the name of the city of Henderson, are hereby granted to the city of Henderson. And all fines imposed or forfeitures incurred for a violation of ordinances or penal laws within the corporate limits of said city, in whatever court recovered, are, beyond the costs and fees, hereby granted to said city.

§ 11. All fines and forfeitures recovered in the city court are to be collected by the city marshal or other officers to whom execution or *capias pro fine* is directed, and to be paid by him to the city treasurer; but before the issual of the execution or other final process, the defendant may pay the fine or forfeiture to the clerk of the city court, who shall pay the same to the city treasurer.

§ 12. The defendant shall have the right, at any time, to replevy, for three months, any judgment, fine or forfeiture of the city court, or right of execution, or other final process thereon, by giving bond, with

good surety, in the same manner as allowed by law in similar cases in favor of the Commonwealth ; said replevin bond to be taken and approved by the marshal or clerk of the city court.

Capias.

§ 13. A return of not found on a *capias pro fine*, and of no property on a writ of *fiery facias*, issued on the same judgment in the city court, shall authorize an attachment out of equity in favor of the Commonwealth, or of the city of Henderson, against choses in action or effects of the defendant or defendants, in the same manner that a return of no property authorizes an attachment in equity on judgments rendered in the circuit courts.

Imprisonment
for fines.

§ 14. Any person convicted in the Henderson city court, and failing to pay or replevy his fines and costs, may be confined in the station-house for such length of time as shall not exceed one day for each one dollar of his fine and costs ; and during such confinement may, by order of the said city court, be placed at labor upon any of the public ways or squares of said city, or may be required to do any other work prescribed by ordinance for not exceeding eight hours for any one day ; and while so at labor he shall be under the control of such person as the common council may designate, and may be securely fastened to a chain and ball not exceeding fifty pounds in weight: *Provided, however,* That the common council shall have the power at any time, by resolution or ordinance, to discontinue working prisoners ; and when such resolution or ordinance is adopted, the council shall cause the judge of the Henderson city court to be notified of such action, and said court shall not order the prisoners to be worked during the time such resolution or ordinance is in force. The council shall have the power, by ordinance, to prohibit the working of females. If any judgment hereafter rendered by said court should remain unsatisfied by reason of escape of the prisoner, or for any other reason, the council clerk shall,

at the instance of the city prosecuting attorney or the judge of the city court, given in each case, issue a *capias pro fine* requiring a satisfaction of the judgment against him; but said clerk shall not issue such right in any state of case unless so directed in each case.

§ 15. The Henderson circuit court shall have appellate jurisdiction over all judgments of the Henderson city court, where the amount exclusive of costs exceeds ten dollars, or where the judgment directs the imprisonment of a person, unless the said imprisonment be to satisfy a fine for ten dollars or less and the costs of the prosecution. The laws controlling the appeals in penal and criminal cases, tried before justices of the peace, shall in every respect control appeals from the Henderson city court to the Henderson circuit court, except as to the amount of the judgment.

§ 16. The Henderson city court, so far as it is a police court and court of inquiry, shall always be open for the hearing and determining such cases as a single judge, by the Constitution of the laws of the State, may hear and determine, without the intervention of a grand or petit jury; and said court may make such reasonable rules and regulations for the speedy hearing and determining of all such cases as to afford reasonable notice to the parties and a prompt administration of justice.

§ 17. When a person has been arrested by any officer of the city for a violation of any ordinance or penal law, the judge of the city court, the city marshal, or the council clerk, is hereby authorized to fix the amount of his bail bond for his appearance at the Henderson city court, and authorize any police officer to take or approve said bond, and may take and approve same himself.

ARTICLE VI.

*Executive and Ministerial Officers.*Executive and
ministerial
officers.

§ 1. There shall be elected by the qualified voters of said city, at the time and places provided for the regular election of mayor, one city prosecuting attorney, one marshal, one city tax collector, and one city treasurer.

Marshal and
treasurer.

§ 2. No person shall be eligible to the office of marshal or treasurer who is not, at the time of his election, a qualified voter and a bona fide resident of the city for at least three months next preceding his election, nor until he shall have had settlement with the city and obtained proper receipt or quietus; and any of these officers who shall, after his election, move from said city, or do any act which would have rendered him ineligible to such office, shall thereby vacate his office; and no person shall be eligible to the office of prosecuting attorney unless he shall have been a licensed attorney for at least two years, and unless, at the time of his election, he is a voter and a bona fide resident of said city for three months next before his election.

Prosecuting
attorney.

§ 3. It shall be the duty of the city prosecuting attorney to prosecute, before the city court, all cases for violation of the laws or ordinances of a criminal or penal nature, of which said court has jurisdiction, and to perform such other duties as may be prescribed by ordinance.

Compensation.

§ 4. The prosecuting attorney shall receive as compensation for his services the sum of one hundred dollars per year, payable quarterly out of the city treasury, and in addition thereto, the same fees allowed by law to prosecuting attorneys in the circuit courts of this Commonwealth.

Clerk of council.

§ 5. It shall be the duty of the common council, at some regular meeting in December, 1888, and in the month of December every year thereafter, to appoint a clerk of the common council, whose duty it shall

be to keep a fair and correct record, in such books as may be designated by ordinance, of all the official acts of the mayor, and of the proceedings, ordinances, laws and resolutions of the common council; keep and preserve in his office the seal of the city, records, papers and draughts of the city not properly belonging to any office; to prepare papers and copies from his office, and take records thereof for publication; and shall, by virtue of his office, be clerk of the Henderson city court, attend its sessions, keep the records and papers thereof, and enter the orders, records and proceedings of said court, and issue writs, summons, executions, orders of arrest, and all other process of said court, and to perform such other duties as may be prescribed by ordinance. He shall have power to administer any oaths required by this charter, by ordinance, or by the laws of the State of Kentucky; to swear witnesses, jurors, etc., in the city court. Said clerk shall hold his office for one year, and until his successor is qualified: *Provided, however,* The council may remove said clerk at any meeting, a majority of the members of the council concurring.

§ 6. The council clerk, before he enters on the duties Bond. of his office, shall execute an obligation to the city of Henderson, with good surety, approved of by the common council, conditioned for the faithful performance of his official duties, and said bond may contain any other stipulation the council may require.

§ 7. Any person aggrieved by the acts or omissions Suit on bond. of the council clerk may, as relator, institute suit on such bond in the Henderson circuit court, or other court having jurisdiction of the amount claimed, and the bond shall not be satisfied or void upon the first or any other recovery, or until every person aggrieved has been recompensed.

§ 8. Upon failure to execute this obligation within Office vacated—
how. thirty days from election or appointment, the office of clerk of the common council shall, by order of the common council, be declared vacated.

Papers to be
delivered to suc-
cessor, when.

§ 9. Upon the resignation, removal from office, or the expiration of the term of office of the clerk, he shall immediately, upon application, deliver to his successor, or such person as the common council may direct, all books, records, and other papers belonging to his office, and all seals, furniture and property belonging to the city; and upon failure so to do, he shall be subjected to the same pains and penalties prescribed by law for clerks of courts of this Commonwealth.

Deputies.

§ 10. The council clerk may, by consent of the council, appoint one or more deputies, and remove them at pleasure. The clerk and his sureties shall be responsible for the acts or omissions of such deputies.

Compensation.

§ 11. The council clerk shall receive for his services at the rate of not exceeding fifteen hundred dollars per annum, payable monthly, out of the city treasury, in addition to fees for his services in the city court, which fees shall be the same as circuit court clerks; and for copies of records he shall receive the same fees allowed by law to circuit court clerks, and such other fees and compensation as may be prescribed by ordinance.

Marshal to at-
tend all meetings

§ 12. It shall be the duty of the city marshal to attend all meetings of the common council, and to attend all sessions of the city court, and to execute such of its judgments as said court may direct him to execute. He shall, within the limits of the city, in all matters of a criminal nature arising under the ordinances of the city, or under the laws of this Commonwealth, possess the same power and perform the same duties as sheriffs and constables. He shall execute all process, civil or criminal, issued and to him directed by the mayor of the city, the common council, judge of the said city court, presiding judge of the Henderson county court, or any justice of the peace. He shall collect and pay over to the parties entitled thereto all executions and other final process to him directed by any of the officers above named, in

the same manner and under the same responsibilities and penalties as sheriffs and constables are by law authorized and required to do. His powers for discharging his official duties shall be co-extensive with Henderson county, and to perform such other services and duties as the council may direct by ordinance.

§ 13. He shall be entitled as compensation to the same fees allowed by law to sheriffs and constables for similar services, collection of which may be enforced as provided by law for the collection of sheriffs' and constables' fee-bills; for other services he shall receive such fees and compensation as may be designated by ordinance. Compensation.

§ 14. He shall perform such other duties, not inconsistent with this charter, and make such returns and reports of his acts as may be prescribed by ordinance, and as are also herein prescribed.

§ 15. He shall, before entering on the duties of his office, execute bond or covenant to the city of Henderson, with good surety, to be approved by the common council, conditioned that he shall, by himself and deputies, well and truly discharge all the duties of said office, and pay over to such persons, and at such times as they may respectively be entitled to the same, all money that may come to his or their hands as marshal. Bond, &c.

§ 16. Any person injured by a breach of the marshal's bond may, in any court having jurisdiction, prosecute suit or motion thereon against the marshal and his sureties as now provided by law for sheriffs and constables; and the bond shall not be satisfied or void upon the first or any other recovery until every person aggrieved by the acts or omissions of the marshal or his deputies shall have been recompensed. Breach of bond.

§ 17. The city marshal may, by and with the approval of the common council, appoint his own deputies, and may revoke the appointment at pleasure, and be responsible, together with his sureties on his Deputies, how appointed.

official bond, for their acts. Before any deputy marshal shall proceed to act, he shall take the oath required to be taken by the marshal.

Liability.

§ 18. When a deputy marshal shall so act or omit to act as to render his principal responsible, and the latter shall discharge such responsibility, the deputy shall be liable ever to the principal for all damages and costs, legal and extraordinary, which the latter may be put to on account of such act or omission.

Bond to be executed or office vacant, when.

§ 19. If the marshal fails to execute covenant, with good surety, and take the oaths of office as herein prescribed within thirty days after his election, the council shall, by order, declare said office vacated.

Chief of police.

§ 20. The marshal shall, by virtue of his office, be chief of the police force of the city of Henderson, and do police duty; and (subject to the orders of the mayor and control of the common council) he shall take active charge and command of all policemen, patrol or night watch, under such rules and regulations as may be prescribed by the common council. In addition to other fees and compensation allowed him, he shall receive the same pay as regular policemen.

Malfeasance.

§ 21. For any malfeasance or misfeasance in office, or any omission or neglect of duty, or for conduct unbecoming an officer or a citizen, the city marshal may be removed from office under such provisions and proceedings as may be prescribed by ordinance, and his office declared vacant; the vacancy to be filled as other vacancies in elective offices.

Treasurer to keep all money, etc.

§ 22. It shall be the duty of the city treasurer to receive and safely keep all money belonging to the city, and to pay out the same under appropriations made by the common council; and he shall only pay out money upon warrants drawn by the council clerk and countersigned by the mayor. He shall keep a fair and accurate account of all receipts and expenditures of the city, showing when, from, or to whom, and for what purpose, and on what accounts, such moneys

were received or paid-out. He shall make out and exhibit to the common council, at the regular meeting in the month of March in each year, a full statement of the receipts and expenditures of the city, showing from whom money has been received and to whom paid during the previous twelve months, and of the state and condition for the time being of the treasury and fiscal concerns of the city, which report shall be published like the journal of proceedings. He shall perform such other duties as may be required of him by ordinance, not inconsistent with the provisions of this charter. He shall receive for his services such compensation as may be provided by ordinance. He shall, before entering on the duties of his office, execute bond or covenant to the city of Henderson, to be approved by the common council, in such penalty and with such surety as may be prescribed by ordinance, conditioned for the faithful discharge of his official duties. The sureties in said bond shall be good for the amount of public money which will come to his hand during his term of office. The city treasurer shall also be custodian of all money, bonds, notes and other effects of the sinking fund; and he and his sureties in his bond as city treasurer shall be responsible for the faithful discharge of his duties as such custodian.

§ 23. The city, or any person aggrieved, may institute suit on such bond in the Henderson circuit court, or other court having jurisdiction of the amount, against the treasurer and his sureties; and the bond shall not be void or satisfied until said city and every person aggrieved has been recompensed.

§ 24. If the treasurer fails to execute this bond for thirty days after his election or appointment, the office shall, by order of the common council, be declared vacated, and the vacancy to be filled as herein provided for other vacancies.

§ 25. For malfeasance or misfeasance in office, or any omission or neglect of duty, the treasurer may

be removed from office by the common council, under and by such proceedings as may be established by ordinance, and the office declared vacant; the vacancy to be filled as other vacancies in elective offices.

§ 26. The treasurer, upon the expiration of his term of office, or upon his removal or resignation, shall deliver to his successor, or to such person as the common council may direct, all the public money, books, property or effects under his control belonging to the city of Henderson.

New bond,
when.

§ 27. The common council may, at any time, require the treasurer to execute a new bond or give additional security; and, upon failure to execute new bond or to give additional security, the office may, by order of the common council, be declared vacated.

Assessor.

§ 28. It shall be the duty of the common council, at some regular meeting in December, 1888, and in the month of December every two years thereafter, to appoint a suitable person as city assessor, whose duty it shall be to make a full report of each separate article of property subject to taxation, and the owner thereof, in alphabetical form, and the names of each qualified voter, and of all male persons residing in the limits of the city; said list or assessment shall be made as if taken on the tenth day of January in each year.

Duties of.

§ 29. Said assessor may, on that day, commence the duties of his office, and shall report at its fair cash value all property as of the said tenth day of January. He shall also report all persons who shall fail or refuse to give in a list of their taxable estate after being duly called on for that purpose, or who have given in a false or fraudulent list—these reports to be made to the regular meeting of the common council in the month of April in each year—and perform such other duties as may be required of him by ordinance. The council shall fix his compensation. Said assessor shall hold his office for two years, and until his successor is qualified: *Provided, however,*

He may be removed from office at any regular meeting, a majority of the council concurring.

§ 30. Said assessor shall, after making a written list of each person's property, require said person to sign and swear that the said list is a correct statement of all the property he owns, subject to taxation in the city of Henderson. The said assessor is hereby authorized to administer such oath, and any person failing or refusing to sign or swear to said list as aforesaid, shall be fined not less than twenty dollars nor more than two hundred dollars. Any person failing or refusing to list his property when called upon by the assessor, or any person giving in a false or fraudulent list of his property, shall be guilty of a misdemeanor, and fined not less than twenty-five dollars nor more than two hundred dollars, nor shall any prosecution for any of the aforesaid offenses exempt a person from a felonious prosecution for swearing to a false list. Assessor to list property, how.

§ 31. The city assessor may, by consent of the common council, appoint as many assistants as he may think necessary for the proper discharge of the duties of the office, and may revoke the appointment at pleasure. The assessor and his sureties on his official bond shall be liable for the acts or omissions of such assistants. Before entering on the duties of his office, he shall execute obligation to the city of Henderson, with good surety, to be approved by the common council, conditioned for the faithful performance of his official duties, upon which bond suit may be instituted in the Henderson circuit court against him and his sureties by any person aggrieved, and recovery had from time to time to the extent of the injury sustained. Assistants.

§ 32. The common council shall have power to make all needful ordinances regulating the assessment and collection of taxes, and prescribing the duties of the assessor and collector of taxes, the advertisement of time and place for payment of taxes, the sale and Power to regulate by ordinance.

redemption of property, and the conveyance of same when sold ; to enforce payment of taxes as far as authorized by this charter, and may provide, by ordinance, for the correction of assessments, so as to include all property liable to taxation omitted from any previous assessment upon a corrected bill or list, charging for the years omitted according to the value and rate of taxation in those years, and may provide, by ordinance, for any deductions on amount of said taxes for prompt payment thereof. Said council is hereby authorized to so modify the provisions herein, and to so regulate the assessments of property, by ordinance, that the assessor's book will show upon what square or block the real estate in said city is located. Said council may also provide for or require a diagram or a map of each square in said city, showing the location and the owner of each lot thereon. Said common council is further authorized and empowered to make any regulation, by ordinance, for the assessment of property or the collection of taxes, not in conflict with this charter or the Constitution of the State of Kentucky.

Office vacant,
when.

§ 33. If the assessor fails to execute this obligation for ten days after his election or appointment, the common council shall, by order, declare the office vacated, the vacancy to be filled as in other appointed offices. That no person shall be eligible to the office of assessor or collector of taxes unless he be a male citizen of the city of Henderson, at least twenty-five years of age, and who is not a *bona fide* resident of said city, and unless he has resided in said city at least two years next prior to his election or appointment.

Oath of all
officers.

§ 34. All officers of the city of Henderson, before they enter upon the execution of the duties of their respective offices, shall, in addition to the oath required by the Constitution of this Commonwealth, take in substance the following oath or affirmation : "I do solemnly swear (or affirm) that I will faithfully perform the duties of the office of ———, of the city of Henderson, according to law."

§ 35. The oath of office may be administered by any person authorized by this charter or by the laws of the State of Kentucky to administer an oath; and a certificate thereof shall be noted on the journal and filed with the records of the city.

§ 36. Any officer of the city of Henderson, whether appointed by the council or elected by the people, who shall continuously fail or refuse in person to attend to the duties of his office, or shall farm out the same, shall forfeit his compensation to the city of Henderson, and shall be subject to a removal from office by the common council at any regular meeting, such person first having ten days' notice.

ARTICLE VII.

Elections, Vacancies, Voters, Etc.

§ 1. The common council may provide one or more ^{voting places.} voting places in each ward where it may be deemed necessary, and prescribe the limits for each of such voting places within which persons entitled to vote at such place shall be residents; but no election polls shall be held in any coffee-house or other establishment in which spirituous, vinous or fermented liquors of any kind are kept or sold.

§ 2. The common council shall, before every city election, appoint suitable persons as officers of election ^{Officers of election.} in each ward of said city, two persons as judges, one as sheriff and one as clerk; and if practicable, the judges for each voting place shall be selected in equal numbers from the two principal political parties. Officers of city elections shall perform similar services, and be entitled to like pay as officers of State elections, and be governed in all matters not inconsistent with this charter, and liable to the penalties imposed by the laws of this Commonwealth. Should such officers, or any of them, fail to attend the place where the election is being held for one-half hour after the time for opening the polls, or if the coun-

cil fail or refuse to make such appointment, the mayor shall appoint other competent persons to act as such officers, and report such appointment to the council at its next regular meeting, and such persons shall be sworn as herein required.

Elections viva
voce.

§ 3. All elections under this charter, by the qualified voters of this city, shall be *viva voce*: *Provided*, That dumb persons entitled to suffrage may vote by ballot.

Hours of election

§ 4. All elections by the qualified voters of the city shall be held between the hours of six o'clock in the morning and seven o'clock in the evening.

Qualified voters

§ 5. Every male citizen over twenty-one years of age, resident in said city at the time of the election, and who has resided in the said city one year, or in the State two years next preceding the election, and who is a *bona fide* resident of the ward in which he offers to vote, shall be qualified to vote for any city officer, elective by the qualified voters of said city under this charter; but such voter shall have been for sixty days next preceding the election a resident of the city, and shall have paid his head tax for the preceding year, and shall have registered as required in this charter.

Illegal voting

§ 6. Any laws in force in this Commonwealth punishing illegal voting at the State election shall apply to illegal voting in the city of Henderson for any city officers, subject, however, to all the provisions of this charter touching the qualifications of the voter.

Vacancies, how
filled.

§ 7. All vacancies in elective offices shall be filled by election by the qualified voters of the city, or of the ward in which such vacancy may occur, under writ of election to be issued by the mayor, except vacancies occurring within three months next preceding any regular election, which last vacancies shall be filled until the next general election by the common council, by the appointment and qualification of a person eligible to such office according to this charter. The common council may fill, by appointment, all va-

cancies until an election can be held, as above provided. In case of a vacancy in the office of mayor, the common council shall order a writ of election and appoint officers of such election. Vacancies in such offices as the common council fill by appointment, shall be filled by the common council by another appointment.

§ 8. In case any ward in the city should fail or refuse to hold an election for any officer or officers, as provided in this charter, the common council shall elect such officer from the persons in said ward eligible according to this charter; and the officers so elected shall perform their duties and hold their offices for such terms, and be entitled to compensation, as though elected by the qualified voters of such ward.

Ward failing to elect, council to elect.

§ 9. When in elections by the qualified voters of the city, or of any ward, two candidates are equal and highest in votes for the same office, the election shall be determined between them by lot, in such manner as the council may direct, and in the presence of not less than three other persons.

How determined.

§ 10. The common council shall judge of the qualifications, elections and returns of its members, and cases of contested elections for any city officer shall be heard and determined by the common council, under such rules as may be prescribed by ordinance.

Returns.

§ 11. The council clerk shall, immediately after their election, certify to the Secretary of State the names of the persons elected for mayor of the city, and for judge of the city court; and the Governor of this Commonwealth shall issue commissions to said officers.

Clerk to certify officers elected.

§ 12. The poll-books of all elections in the city shall be returned on the evening of the day of the election, by the several sheriffs of election, to the council clerk, who shall keep them on file as part of the records of his office, and issue certificates to the officers elected. And any sheriff failing to return any of said books as aforesaid, shall be fined not exceeding one hundred dollars for such failure.

Poll-books.

§ 13. The first general election under this charter shall be held on the second Monday in August, 1888, at which time there shall be elected by the qualified voters four councilmen, who shall enter upon the duties of their offices on the first Monday in September following, and shall hold their offices and perform their duties according to the provisions of this charter, for two years from the said first Monday in September, and until their successors are duly qualified.

§ 14. The second general election under this charter shall be held on the second Monday in August, 1889, at which time there shall be elected by the qualified voters of the city one mayor, one city prosecuting attorney, one treasurer, one city marshal, one city tax collector, and four councilmen, as hereinbefore provided, who shall enter upon the discharge of their official duties upon the first Monday in September next after their election, and hold their offices for two years from the first Monday in September aforesaid, and until their successors are elected and qualified. And every two years thereafter, at the general election on the second Monday in August, there shall be elected one mayor, one prosecuting attorney, one city marshal, one city tax collector, one treasurer, who shall enter upon the discharge of their official duties on the first Monday in September next after their election, and hold their offices for two years from said first Monday in September, and until their successors are elected and qualified. And a general election for the officers as provided for herein shall be held on the second Monday in August in every year hereafter.

§ 15. The present mayor, city prosecuting attorney, city treasurer, city marshal, and city tax collector, shall continue to hold their offices until the time for which they were elected shall expire and their successors are duly qualified; but in the discharge of the duties of their offices, shall be governed by this charter from and after the day fixed herein on which the same is to go into effect.

ARTICLE VIII.

Registration.

§ 1. That the common council of the city of Henderson shall, at their first regular meeting in June of each year, elect four sober and discreet citizens in each ward of the city of Henderson—two to act as judges of registration, one as clerk of registration, and one as marshal of registration in the ward for which they are elected. No person shall be eligible as judge, clerk or marshal who is not a voter of the ward in which he is elected. When there are two distinct political parties, said officers of registration shall be so selected as that one of the judges in each ward shall be of one political party and the other of the opposite political party. They shall serve for one year from the time of their election; and each officer of registration, before entering upon the discharge of his duties, shall take the oath prescribed by section 1, article 8, of the State Constitution; and during the period of his term of service, shall be excused from jury duty.

§ 2. The council clerk shall, at least five days before the registration in each year, give each registration officer written notice of his election. Should the council fail to elect, or should all or any of the officers elected fail to attend at the place of registration for one hour after the time for commencing the registration, or should all or any of said officers refuse or decline to act, then the mayor of the city of Henderson shall appoint officers to act in their stead for that registration, and may administer to them the necessary oath of office.

§ 3. Officers of registration shall have the same power to preserve order at the place of registration as is exercised by officers of elections at the polls in State elections. If the officers of registration entertain any doubt as to whether or not any person offering for registration is entitled to such registration, or if any one's right to register is challenged, citizens may be called in, not exceeding three in number, who

shall be examined under oath touching the qualifications of such person who offers to register, which oath may be administered to any of the persons so examined by any one of the judges of registration.

Forms.

Books.

§ 4. It shall be the duty of the clerk of the common council to prepare the proper forms, and cause to be printed two registration books for each ward in the city of Henderson, one to be kept in his office to be used as provided in section 9 of this act, and the other furnished to the clerks of registration and election before each registration or election day, as hereinafter provided. Said books shall be so arranged as that the names of voters may be registered alphabetically, and shall be ruled and headed as follows :

Name	Residence	Color	August Election .	REMARKS.

Registration,
how taken.

§ 5. The officers of registration shall attend at the voting places of their respective wards for two days in immediate succession, beginning on the second Monday in July of each year, from the hours of six in the morning until eight in the evening, and shall record in the registration book, which shall be furnished by the clerk of the council to each registration clerk, a list of such qualified voters of the ward as may apply for registration. Said list of voters shall be in alphabetical order, and shall show the name of the person registered, the name of the street or alley, describing briefly the house in which he lives, giving the street and between what two streets it is located. No person shall be registered who does not personally appear before the registration officers ; and if he be not per-

sonally known to one of the officers, or if any bystander shall demand it, he shall be sworn by one of the officers, and interrogated by him, or by such bystander, touching his qualifications as provided in this act. Any person absent from the city on the second Monday in July, or the day thereafter, or should sickness of himself or family prevent his registering, he may, at any time on or before the day the election is being held, apply to the clerk of the common council, who shall have the same power to register his name as the clerk of registration, and he shall produce such clerk's certificate at the polls and be entitled to vote. Opposite the name of each person so sworn the clerk shall write the word "Sworn," which entry shall be *prima facie* evidence of such swearing in any prosecution under this act. Any person registered may vote at all elections until the next registration, unless he becomes disqualified after registering. And provided, that should any person become entitled to a vote according to the Constitution of the State of Kentucky, at any called or special election after the second Monday in August and before the second Monday in July, such person may apply to the clerk of the common council, and be registered on the book kept by such clerk, which shall entitle him to vote when he produces the certificate to the officers of election. But should said clerk, in good faith, believe that such person will not be entitled to vote, he shall not register him. Whenever the council clerk registers any one, he shall give to him a certificate of that fact.

Qualifications.

§ 6. Every person shall be entitled to be registered Qualification. who would be entitled to vote at the next succeeding August election; that is to say, every male citizen who, on that day, shall have attained the age of twenty-one years, and shall have resided in the State two years, or in the county one year, and sixty days in

the ward in which he offers to register: *Provided*, That any person who has been in the city the length of time required to entitle him to a vote, and has registered, may vote for any candidate at any election, except for a member of the common council, though he has not been a resident of said ward for a period of sixty days.

Aliens.

Aliens.

§ 7. Any alien possessing all the qualifications of a voter, named in section 6 of this act, except citizenship, shall be entitled to be registered, but the clerk shall write opposite his name, in the column headed "Remarks," the words, "Not naturalized;" and such alien shall not be entitled to vote at any election held under that registration, unless he shall produce to the officers of election his naturalization papers in due form of law.

Mode of Registering.

Mode of registry. § 8. In making the registration, the clerk shall act as the recording officer, and the judges shall decide all questions relating to the qualifications of persons offering to be registered, except that, in case of a difference of opinion between the judges, the clerk shall have the casting vote. It shall be the duty of the clerk to number, consecutively, the names recorded under each letter of the alphabet as they are taken down, and at the close of the registration he shall sign his name as clerk after the last name recorded under each letter as aforesaid, in such manner as that no more names can be recorded above his, and shall foot up and certify in the back of the registration book the whole number of names recorded at that registration; and this certificate shall be signed by all the officers of registration before leaving the place of registration, and in the presence of by-standers, any two of whom may, if they desire, sign their names as witnesses thereto. In addition to the re-

quirements above, the clerk shall sign his name as such clerk at the foot of each page.

Return and Custody of the Books.

§ 9. On the day following the close of the registra- Return of books. tion, the registration clerks shall deliver the registration books into the hands of the clerk of the council, and take his receipt therefor. It shall be the duty of the clerk of the council to keep said books safely in his office, and not suffer the same to be taken therefrom, except as provided in this act. He shall also cause to be made one copy of each registration book in the blank book retained by him, as provided in section 4 of this act, which shall be kept in his office and not be taken therefrom for any purpose. In case of loss of any registration book, a copy shall be made by the clerk of the council from the copy retained in his office, which copy shall be used in registrations and elections with the same effect as the original. The clerk of the council shall permit any citizen at any time to copy any registration book without fee or charge, and he shall also furnish copies at the same rate as provided in section 17 of this act for copying the book kept in his office. Copies furnished to citizens under this section shall be paid for in cash by the person ordering them.

Removals.

§ 10. Any person removing from one ward to another after having been registered for that year, may Removals. apply to the clerk of registration of the ward from which he removes on a registration day, and have his name canceled off by writing opposite to it the word "Removed," and thereupon said clerk shall give him a certificate in the following form: "This is to certify that - — — has removed from the — — ward to the — — ward, and that his registration has been canceled. (Signed) — — —, clerk." Upon presenting said certificate to the officers of registration of the

ward to which he has removed, he shall be entitled to be there registered if he possess the other qualifications named in section 6 of this act; and no person removing, after being registered, shall be registered in another ward, without the production of such a certificate.

Striking Off Names.

§ 11. Any voter may, by giving five days' notice in writing, addressed to, and served on, any person whose name has been registered, move the council of the city of Henderson, at its next regular meeting, not less than five days after service of said notice, to strike the name of such person from the register. The council shall thereupon, at once, appoint a committee, consisting of three members of the council, who shall hear proof on the question of striking the name of such person from the register; and if the committee shall be of opinion that the person registered is not lawfully entitled to be registered, after hearing the proof, the committee shall direct the clerk of the council to strike his name from the register, by inserting opposite his name the words, "Stricken by order of the council committee. —, clerk of the council." The person having the notice served and the person upon whom it is served may each introduce not exceeding two witnesses on a side. Within two days after its appointment by the council, the committee shall hear proof of the parties on the question of registration, and shall make report in writing of the result of its action, which report shall be filed with the clerk of the council within one week after the appointment of the committee. If the person upon whom notice is attempted to be served can not be found, a return of that fact, sworn to, and signed by the person who endeavored to serve it, shall be presented to the council at its first regular meeting, not less than five days after date of the notice, accompanied by motion in writing to strike the name of the

person in question from the register; and the council, at its next regular meeting after the filing of the motion, shall order the council clerk to insert on the register, opposite the name of the person whose qualification to register is questioned, the following: "Doubtful, by order of the council. —, clerk of the council;" and when, at any election, such person whose name is marked doubtful shall offer to vote, he shall be sworn, and his right to vote investigated fully.

§ 12. On Saturday previous to the second Monday in August of each year, and on the day previous to any called or special election to be held thereafter in the city of Henderson for the election of city officers, the clerk of the council shall deliver to the clerks of the election the registration books for their several wards, together with the poll-books, which said registration and poll-books shall be produced by said clerks at their several wards when the polls are opened on the day of election. At said election the vote of no person shall be received unless the name of the person offering to vote is on the register, or unless the certificate of the clerk is produced as hereinbefore provided,

Registration books to be delivered to officers of election.

False Registration.

§ 13. Any person who shall cause himself to be registered in more than one ward, otherwise than is provided in section 10 of this act, or more than once in the same ward, or who shall cause himself to be registered, knowing that he is not twenty-one years of age, or knowing that he is not lawfully entitled to registration; and any person who shall aid or abet in the commission of any of said acts, shall be deemed guilty of a misdemeanor, and shall be fined not exceeding two hundred dollars or imprisoned in the county jail not less than one nor more than twelve months, or both, in the discretion of the jury.

False registration how punished.

False Registration Books.

Penalty for
false registration
books.

§ 14. Any officer of registration or other person, who shall unlawfully alter any registration book, or add any name thereto, or who shall willfully secrete, suppress, or destroy any such book, or who shall make or aid in making any false or fraudulent registration book, shall be deemed guilty of felony, and shall be confined in the penitentiary not less than one nor more than five years, and shall forfeit any office he then holds, and shall forever be disqualified from holding office.

Perjury.

Perjury.

§ 15. Any person who shall willfully make any false statement, under oath, lawfully administered under this act, shall be deemed guilty of perjury, and confined in the penitentiary not less than one nor more than five years.

Obstructing Registration.

Obstructing reg-
istration, pun-
ishment for.

§ 16. Any person who, by himself or in aid of others, shall forcibly break up, or attempt to break up, a registration held under this act, or shall forcibly prevent any person from approaching or entering a place of registration for the purpose of registering, shall be fined not less than one hundred nor more than five hundred dollars, or imprisoned not less than six nor more than twelve months in the county jail, or both.

Fees.

Clerks' fees.

§ 17. For his services under this act the clerk of the council shall receive the following fees, and not other: For copying the registry list required to be kept in his office, or to be used in supplying lost books, the sum of one cent for each voter whose name is copied; for his services under section 11 of this act, the sum of ten cents for the name of each voter stricken from the lists; for receipting to clerks of registration and election for registration books, the

sum of five cents for each book receipted for ; he shall receive for serving the notice provided for in section 2 the sum of twenty-five cents for each actual service. Officers of registration shall receive two dollars per day for each day employed in attending at the place of registration ; but clerks of registration and election shall not be entitled to any pay except upon producing the receipt of the clerk of the common council, which receipt shall be the voucher of the officer paying them. For his services in cases arising under section 11 of this act, each member of the committee shall receive two dollars per day for each day he actually serves. The city of Henderson shall pay all fees and expenses incurred under this act for registrations, except in contests arising under section 11 of this act ; the person by whom, or at whose instance, notice was served, shall pay all costs of the proceeding in such contest, should the committee decline to strike from the register the name of the person upon whom the notice was served.

§ 18. At any time after the second registration day, and before the next ensuing August election there-
Registration may be published.
after for the election of city officers, the council may, in its discretion, have the registered list of voters, including the name, color and local residence of each voter, published in one of the daily papers of the city of Henderson, or the council may, in its discretion, have said list published in any other way the council deem proper.

§ 19. A copy of this article shall be printed in each registration book made under its provisions.

ARTICLE IX.

Streets, Alleys, Sidewalks, Cisterns.

§ 1. The common council shall have power, by ordinance, to receive and accept any street or alley, or extension of any street or alley, laid out by any person or persons within the city limits, and make and
Streets, alleys, etc.

declare the same an established street or alley of the city of Henderson.

§ 2. The locality of all public streets and alleys in said city shall not be changed from their present actual position as opened, neither in width nor length, unless by consent of the claimant of the ground affected by such alteration or change: *Provided, however,* The common council may, by an ordinance passed by two-thirds of the members elected, and yeas and nays thereon being recorded in the journal of proceedings, whenever the public necessity shall require it, cause any new street or alley to be opened, or an old street or alley extended or widened, or establish any market place, and to procure the condemnation of any real estate for such purposes as follows: *Provided,* That in no case shall private property be taken for any such purpose without the written consent of the claimant, or a just and full compensation therefor be first paid in money to said claimant. If the amount of such compensation can not be fixed by agreement, the common council shall cause a petition to be filed in the Henderson county court, stating the street or alley they wish opened, widened or extended, and the names of the owners, if known, of the lots and lands through which they desire to have said street or alley opened, widened or extended, and the width thereof; and thereupon said court shall order a summons to issue for such owner or owners to appear on some day of that, or some subsequent term of said court, to show cause why such street or alley should not be opened, widened or extended, which summons shall be executed on such owner or owners if in the county of Henderson; if not, on his or their agent, if one is known; and on the return of the summons executed, or the return of no inhabitant or known agent, or that the owner is a non-resident, and no one appearing, the said court shall order the said street or alley to be opened,

Streets and alleys
how changed.

widened or extended; and if any one or more of such owners of lots or lands appear and demand it, the court shall award a writ of *ad quod damnum* to be directed to the proper county officer, to be executed and returned as provided by law for writs of that nature for opening public roads; and on the return of the writ duly executed, the court shall order the common council to pay the damages assessed to the party or parties entitled thereto, and shall order the street or alley to be opened, widened or extended upon the payment of said damages: *Provided*, The common council may authorize the mayor to offer to the owners of the property, if adults, a reasonable price, and make the purchase if assented to; but if the owner refuse to sell at such price, and the property is condemned, the owner shall pay costs of the proceedings to condemn same, unless the jury award him an amount greater than the mayor had offered him.

§ 3. The common council shall have power, at any time before the final decree or order, to dismiss their petition, which shall not prevent their again instituting proceedings for opening, widening or extending such street or alley, at any time after one year from said dismissal.

§ 4. Appeal may be taken to circuit court and Court of Appeals, as is now provided by law in cases of opening public roads.

§ 5. The common council shall have full power to keep open all streets and alleys, wharves and other public places, and free them from all obstructions by the infliction of suitable fines and penalties, as may be prescribed by ordinance.

§ 6. The common council shall have full power, by ordinance, to cause and procure any or all streets and alleys, or any parts thereof, in said city, now established or hereafter to be established, or any part or portion thereof, to be graded, paved, macadamized, graveled and curbed, in such manner as they may

direct, at the cost and expense of the lot-owners fronting on each side of said street or alley where such work is done; the cost and expense, when the said work is completed, shall be apportioned between the owners of lots in each square fronting each street where the work is done, in proportion to the number of front feet owned by each person; and a lien is hereby given to the said city on all lots and parts of lots fronting on such work to secure the payment of the cost of the work: *Provided*, That in no case shall the total assessment or cost of improvement against any person or ground exceed in amount the one-half actual cash value of the ground owned by such person and subject to said assessment. The balance of the cost of the work shall be paid out of the city treasury.

§ 7. The common council shall have full power, by ordinance, to cause and procure any and all of the streets, or any parts thereof, in said city to be guttered, and any or all the sidewalks of said city, or any parts of said sidewalks now established, or hereafter to be established, to be graded and paved, or improved in such manner as they may direct, at cost and expense of the lot-owners fronting such street or alley where such work is done. The cost and expense when the work is completed shall be apportioned between the owners of the lots fronting on the street where the work is done, in proportion to the number of front feet owned by each person; and a lien, which may be enforced by proceedings in court, is hereby given to said city on all lots or parts of lots fronting such work to secure the payment of the costs of the work; and said city is authorized to sue and recover a personal judgment against any person failing or refusing to pay for such improvements or any part thereof; and no error in the proceeding of common council shall affect the lien of the city, nor shall it exempt any person from the payment of the work after same has been done as required by ordinance or con-

~~Streets and side-~~
~~walks.~~

tract: *And it is further provided*, That if, in any case, the city has, in good faith, attempted to pass a valid ordinance for street improvements, and has, in good faith, attempted to make a valid contract for the doing of such work, and the said work has been done in good faith and in accordance with such attempted ordinance and contract, the city shall have a valid and enforceable lien on said property for the cost of such work, and may also have a personal judgment, enforceable by ordinary execution, although the said ordinance may not have been passed or the contract made in strict compliance with this charter. The object of this provision being to avoid the hardship resulting from the strict and technical construction of similar provisions; and this provision shall be construed so as to accomplish such intent. Liens given said city in this article shall stand on the same footing as mortgage liens, and may be enforced in the same way; and proceedings in court to enforce said liens shall be the same as in case of mortgage liens; and the jurisdiction of the court and the time and manner for redemption shall be the same, and the proceedings in all other respects shall be the same.

§ 8. The cost and expenses of the work, either for ^{Cost of grading, etc.} grading, paving, macadamizing, graveling, curbing or guttering, and for grading or paving sidewalks mentioned in the two preceding sections, together with the costs of collecting same, may be collected as other taxes by the city collector, who shall have power to sell and convey the lots or parts of lots for the same, under such rules and regulations as may be prescribed by ordinance: *Provided*, That the owners of lots or parts of lots sold for such work, who have not consented in writing for such work to be done, shall have one year from the day of sale made by the said collecting officer to redeem the property, on paying the purchase money with ten per cent. per annum interest thereon, with all the taxes and levies that may have

subsequently accrued, and ten per centum per annum thereon. And those who have consented in writing may redeem their property at any time within one year from day of sale, by paying the purchase money and interest at ten per cent., and subsequent taxes and levies and ten per cent. thereon: *And provided also*, That infants, as to any property sold by the said collecting officer, shall have privilege of redemption on like terms at any time within one year after the disability is removed.

§ 9. All intersections of streets shall be graded, paved and guttered, and stepping-stones placed across walks, made at the expense of the said city.

Expense of guttering, etc. § 10. Where the paving, guttering and curbing or graveling has been done with stone or gravel, or both, and the sidewalks have been paved with brick or stone, as herein provided, and under the direction and control of the common council, and has been accepted by the council, all repaving, regraveling, recurbing and reguttering of the said street or side, or any repairs thereon, shall be at the expense of the city.

Streets in front of lots. § 11. Where any person has had the street in front of his lot graded, guttered and paved to the center, and the sidewalk curbed and paved in accordance with the general plan of the city, he shall be free from any assessment thereafter for the work done on the balance of the square on which he has had the work thus done; and any person hereafter desiring to do such work shall notify the council of the fact, and shall have the grades given by the city engineer, and do the work under and according to his direction or that of the council, or he shall not be exempt as aforesaid.

Work on streets. § 12. The common council shall, for any of the work done on the streets as directed in the foregoing sections, advance the money, and may, for that purpose, borrow the same, and issue bonds of the city, with coupons therefor, not to run longer than ten years, and bearing interest not greater than seven per cent.,

payable semi-annually, and shall cause an assessment annually against the owner of said lot sufficient to meet the interest and enough of the principal, so that when the bond matures the whole amount will have been paid into the city treasury; and this fund shall not be applied to any other purpose, but shall be held as a sinking fund to discharge such bonds. This provision and assessment aforesaid shall only be made upon application of the lot-owner, and shall be collected as other taxes: *Provided, however,* That the lien shall always continue upon said lot until the entire cost of the work, and all expenses and interest aforesaid, are fully paid off and discharged.

§ 13. No person or persons shall lay out or extend Extension of streets. any street or alley within the limits of the city without the consent of a majority of the common council; and when any person or persons have, with such consent, laid out, or shall hereafter lay out or extend any street or alley within the limits of said city, and shall have sold and intend to sell lots binding thereon, the council shall declare the same to be established as a public street or alley, and exercise all the power, jurisdiction and authority over the same that they have by this charter over other established streets and alleys, and may cause them to be improved as herein provided; but no street shall be laid out or accepted within the city limits which is less than sixty feet wide.

§ 14. The common council shall have power to require the public streets on any or all sides of the public lot of ground belonging to Henderson county, and known as the "court-house property," to be graded, paved, graveled, guttered and curbed, and proper sidewalks made, in accordance with the general work of the city of a similar character, the whole to be done to the center of each street, at the expense of the county of Henderson, and under the direction of the common council; and the county court shall levy a tax to pay for said work at the first court of claims Streets around court-house.

after the completion of the work; and upon the failure or refusal of the county court to levy such tax the mayor of the city of Henderson shall apply to the judge of the Henderson circuit court, who shall issue a mandamus, compelling said county court to levy and collect an amount sufficient to pay for said work and costs incurred, and pay the same to the city.

Wells.

§ 15. The common council shall have power, by ordinance, to procure the digging and walling of wells, or to procure the construction of cisterns, or the planting or erection of hydrants, for supplying water for the extinguishment of fires, on any of the established streets within the city limits, at the cost of the owners of the property within such distance of any such well or cistern as may be specified in the ordinance, and cause the cost thereof to be apportioned amongst the owners of such property according to the number of feet each may own; and a lien is hereby created against such property for the amounts so apportioned. The amounts thus apportioned, and the costs of collecting the same, may be collected as other taxes by the city collector, who shall have power to sell and convey the lots or parts of lots for the same, under such rules and regulations as may be prescribed by ordinance: *Provided*, That the owner shall have like power of redemption as hereinafter given in case of sales of real estate for taxes.

ARTICLE X.

Assessment and Collection of Taxes.

Assessments.

§ 1. The common council shall have power annually to cause to be assessed, as hereinbefore directed in regard to the duties of the city assessor, at its fair cash value, all property in the city of Henderson subject to taxation under the revenue laws of this State for State purposes; and in like manner shall cause to be listed all male inhabitants of said city of the age of twenty-one years and upwards; and shall have power annually to levy and collect an ad valorem tax of not

exceeding eight-tenths of one per cent. for the years 1888 and 1889, and not exceeding six-tenths of one per cent. thereafter, on each one hundred dollars of value of all the property assessed as aforesaid; and also to levy and collect a tax of not exceeding two dollars each on the inhabitants to be listed as aforesaid; but such taxation shall be uniform and equal upon every description of property assessed: *Provided*, That no land embraced within the city limits, and outside of ten-acre lots as originally laid off, shall be assessed and taxed by the city council, unless the same is divided or laid out into lots of five acres or less; and unless all of same is actually used and devoted to farming purposes; nor shall the court-house and public lot belonging to the county be taxed.

Levy and collect
ad valorem and
poll tax.

§ 2. The common council shall, at the last meeting in the month of March in each year, appoint three discreet citizens of the city as a board of supervisors of tax, who, after being duly sworn faithfully to discharge the duties assigned them according to law, shall meet at such time and place as may be designated by ordinance, and examine with care the assessor's report of taxable property returned for that year, and correct any errors of the assessor, whether in fact or in relation to the valuation of the estate listed; and in cases where they shall be of opinion that the estate has been incorrectly valued, to fix the same at its proper value. But they shall not increase the valuation made by the assessor, without summoning the owner, if a resident of the city, before them, to show cause why the change should not be made.

Board of super-
visors of tax.

§ 3. It shall be the duty of the assessor and his assistants to attend the sessions of the board of supervisors, and give evidence and information concerning the business before them, upon oath, when required. And the board shall have power to compel the attendance and examination of witnesses before them, to enable them to discharge their duties; and shall have power to compel the attendance of the assessor and his assistants, and examine them as witnesses.

Assessor to at-
tend sessions.

§ 4. The board of supervisors of tax shall keep a record of their proceedings, and correct the tax-book thereby; they shall make full reports of their acts to the common council; they shall also report the names of persons liable to taxation, who have been omitted by the assessor in his tax-book.

Shall keep a record.

§ 5. The common council may, by ordinance, prescribe any further duties for said board of supervisors of tax, and fix the amount of compensation for their services.

§ 6. The common council shall have power, at any time within three months after the report of the board of supervisors, to hear complaints, and to change or reduce or correct the tax-list of any person; and in case of a reduction, if the person has paid his tax, to order the proper proportion thereof to be refunded.

City council to hear complaints.

§ 7. For all taxes levied as hereinbefore authorized, the city of Henderson shall have a lien, relating back to the day of assessment, upon all real and personal estate therein belonging to the persons or corporations owing such taxes: *Provided*, That purchasers of property from persons owing taxes shall be liable only for the taxes upon the property purchased; and said city is authorized to institute suit and enforce said lien in any of the courts of Henderson county having jurisdiction of the amount or the subject-matter, and no irregularity or error in the assessment, or in the suit, nor shall any dismissal of the suit by the court, operate to discharge or release the lien of the city until the back taxes are paid. Said city is hereby further granted the same power and authority to sue for and recover personal judgment for taxes as in cases of ordinary debt, and may have execution of *fiери facias* on said judgment.

Lien for taxes.

§ 8. The council clerk shall, within thirty days from the time the tax-book shall have been approved by the common council, make out therefrom an alphabetical list of all the persons liable for tax, with the number of levies and the aggregate value of each person's tax-

Clerk make certified list.

able property, and the amount of tax due thereon; and having certified the same over his official signature to be correct, shall deliver the same to the city tax collector and take his receipt therefor, and said taxes shall then be due and collectable. The common council may provide, by ordinance, that the said clerk shall make out a separate receipt for every person listed for taxation, giving the name of the person and the amount of taxes owing by said person, and showing the purposes for which said taxes are due, and deliver same to tax collector (instead of a book), and take his receipt therefor.

§ 9. The city tax collector shall be collector of the ^{Collection of} taxes. He shall, at some time in the month of May or June, in each year, execute bond to the city, with good surety, to be approved by the council, conditioned that he shall, by himself or deputies, during the next twelve months, beginning first day of July, collect, account for, and pay into the city treasury, and to other persons entitled thereto, according to law and the ordinances of the city, all taxes and public dues, and penalties for non-payment of taxes, directed or authorized by law to be collected or received by him. Said collector may, with the approval of the common council, appoint such deputies as are necessary to aid him in the collection of said taxes; and said deputies shall have the same rights and powers, and be subject to the same penalties, as the collector; and said deputies may be required by the council to execute such bond as the collector is required to execute. The appointment of said deputies may be revoked at any time by the collector, and he shall, together with his sureties, be responsible on his bond for any and all acts of said deputies.

§ 10. The sureties in said bond shall be jointly worth, after the payment of all their debts and liabilities, and beyond their exemptions, a sum equal to the aggregate amount of revenue to be collected for the year.

Lien of city on
collector's prop-
erty.

§ 11. The city shall also have a lien from the date of said bond upon all the property, real or personal, subject to execution, belonging to the collector, or afterwards acquired by him, which shall not be discharged until he obtains a quietus for all the revenue and public dues he is bound for. The obligors in said bond, their devisees, heirs, executors or administrators, may be made liable by suit in the Henderson circuit court, or any court having jurisdiction of the amount sued for, jointly or severally, for a breach of the same, until the whole amount of the collector's liability shall be discharged ; and said lien may be enforced by suit in equity, etc.

§ 12. The city tax collector shall account for and pay into the city treasury all taxes and other public moneys for which he is bound, at such times as they are respectively collected, and under such regulations as may be prescribed by ordinance of the common council, and the council shall fix his compensation.

Taxes, when to
be collected.

§ 13. The city tax collector shall, from and after the day he receives the tax-book or receipts in each year, proceed to collect the taxes due the city, and upon failure by the persons bound therefor to pay the same, may distrain the personal property owned, or in the rightful possession of the person from whom the tax is due, notwithstanding the existence of any lien upon the same, and may proceed to sell the title of such person in so much thereof as will pay the tax due, and all costs and expenses of sale. The sale must be for cash, and be made at the door of the court-house on some county or circuit court day ; the time, place and terms of sale shall be first advertised at least fifteen days, by two publications in some weekly paper published in the city of Henderson, or in such other manner as the common council may by ordinance direct. If the collector make illegal or unreasonable seizure and distress for taxes, he shall be liable in damages to the party aggrieved. If any person, owing any taxes to the city and failing to pay

same, has not sufficient personal property known to the collector in the city that can be distrained to pay same, the said collector is hereby authorized and empowered to collect such taxes by attachment or garnishee, in the same manner and in the same court as the sheriff is now authorized to attach and garnishee for taxes.

§ 14. All persons paying their taxes in the month of July (in the year same are due) shall be entitled to retain one per cent. discount from the aggregate amount thereof. Discount. Persons paying taxes in the month of August shall not be entitled to any discount. On all taxes not paid before the first day of September (of the year same are due) there shall be added one per cent., which shall be collected and accounted for in the manner now provided for the collection of taxes; and on all taxes not paid on or before the first day of October (of the year same are due) there shall be added and collected two per cent. On all taxes not paid before the first day of November (of the year same are due) there shall be added and collected four per cent. On all taxes not paid before the first day of December (of the year same are due) there shall be added and collected six per cent. On all taxes not paid before the first day of January (next after same are due) there shall be added and collected ten per cent.

§ 15. If there be no personal estate which the collector can distrain for tax due on real estate, or if said tax can not be collected by attachment or garnishee, or if the personal estate found be insufficient to pay the whole of such tax, and the owner of the land or lot shall fail to pay the same by the thirtieth of December of the year in which such tax is due, the said collector shall, on the first day of some county or circuit court holden for Henderson county, at the door of the court-house of Henderson county, and thence from day to day until completed, proceed to sell the land and town lots, or so much thereof as may be May distrain for taxes.

necessary to pay the tax thereon, together with the ten per cent. penalty above specified, and the costs and expenses of sale, to the highest bidder for cash. The time, place and terms of sale, together with a statement of the names of the owners or occupants, number or description of the lot, and the amount of tax and penalty due thereon, shall be published by two insertions in some weekly newspaper published in the city of Henderson.

Collector must
report.

§ 16. The collector shall, so soon as practicable after making sale of any property for taxes, report a full tabulated statement of his proceedings to the common council, including in said report a list of the property sold, and of the names of the owners or occupants of the property, names of the purchasers, amounts for which the property sold, and a description of the property; and specify in same the kind and amount of taxes and penalties thereon for which said property was sold; and he shall also hand in with the report a copy of the newspaper containing the advertisement of the sale, with the certificate of the printer or publisher, showing the time when such advertisement was printed, which certificate shall be sworn to by said printer or publisher before some justice of the peace for the county of Henderson; and said collector shall also make oath before some justice of the peace of Henderson county that he has complied with all the requirements of this charter and the ordinances of the city in relation to the sale of property for taxes, which affidavits shall form part of the collector's report; and the council clerk shall keep a record-book for these reports, and copy same in said book.

Sales for taxes.

§ 17. The common council may designate an officer of the city to attend all sales of property sold for taxes due said city, who shall, if no other person will bid an amount sufficient to pay the taxes and all fees, costs and penalties accrued, bid in the property for the city. When the city has bid in any real es-

tate at the collector's tax sales, her lien on said property shall continue, and said city shall have the option to take a deed from the collector as provided herein, or she may, after the expiration of sixty days from date of sale, if said taxes are not paid, file suit in the Henderson circuit court, or some court of similar jurisdiction, and enforce said lien. The proceeding to enforce said lien, the jurisdiction of the court, the time and manner of redemption, shall be the same as in proceedings to enforce mortgage liens. If the property is not susceptible of division, the whole shall be sold, and the amount bid in excess of the amount due the city and costs shall be taken payable to the owner of the property.

§ 18. All lands and town lots sold by the collector Redemption. for taxes may be redeemed by the owner or his representatives at any time within two years, except as provided in section 16 of this article, from the day of sale by paying to the purchaser or his representatives the amount of the purchase money and interest thereon at the rate of twenty-four per cent. per annum from the day of sale until redeemed. The person thus redeeming shall take the receipt of the purchaser for the redemption money, and lodge the same with the council clerk to be filed with the collector's report of the sale. If the purchaser, or his agents or representatives, do not reside in the county of Henderson, or can not be found therein, the owner of the property, or his representatives, may make an affidavit of the fact and pay the amount of purchase money, with the interest aforesaid, to the said collector, and take his receipt therefor, which affidavit and receipt shall be lodged with the council clerk, to be filed with the collector's report of the sale: *Provided*, Infants shall have one year after arriving of age to redeem their lands upon same terms and in the same manner herein provided for adults.

§ 19. The collector who sells land or town lots for

Deed to purchaser.

taxes, or his deputy, or the successor of the former, must convey by deed the title sold to the purchaser or his assignees, or his heirs or devisees, if the same is not redeemed as herein provided ; and the collector or his successor in office shall make this deed. The deed shall be acknowledged by the officer making same before the Henderson county court clerk, and be recorded in his office, and shall pass to the purchaser a perfect title. And when the collector has made to the purchaser a deed, as herein provided, he shall report that fact to the council clerk, and said clerk shall enter a memorandum thereof on the margin of the record-book in which the collector's report of sales is recorded.

Collector to return certain receipts, when.

§ 20. If any person bound for tax shall be insolvent, or shall have removed out of the county of Henderson with his estate, after he was assessed for tax, and before a sufficient time to collect it had elapsed, the collector shall, at the regular meeting of the common council in the month of January, return receipts and a list of such persons, and the amount of tax assessed against them, and whether they have removed or are insolvent, and make oath to the same, which list the council shall examine, and may strike therefrom those whose tax could have been collected by the collector by reasonable diligence ; and for the balance of tax on such list the collector shall be entitled to credit in his settlement with the city ; and said tax collector shall return to the office of the council clerk all his books or uncollected tax receipts by the first day of June in each year.

Back tax collector, when to be appointed.

§ 21. The common council is hereby authorized at any time, in every year hereafter, and at any time during the year 1888, to appoint a "back-tax collector," whose duty it shall be to collect and pay over to the treasurer of the city of Henderson any and all taxes which have been due the said city for twelve months or more ; and he shall have the same right and power to collect and enforce the payment of taxes

that is given to the collector under this charter. The common council shall require of him a bond, with good and sufficient sureties, conditioned for a faithful performance of his duties, and that he will pay over all the moneys collected by him to the persons entitled thereto. The council may, in their discretion, prescribe by ordinance any further duties of said office, or any regulation governing the collection of the taxes mentioned in this section, not in conflict with the charter of said city, and shall fix the compensation of the said "back-tax collector."

§ 22. All taxes liable to be assessed, and all taxes levied or imposed, or due to the city under the existing laws and ordinances of the city of Henderson, and not yet paid, remain due and payable, and the city shall have the additional remedies to enforce the payment and collection of same that are provided in this charter for the collection of taxes, and also for the collection of such taxes as the "back-tax collector" may be authorized to collect. All tax levies made by said council upon property assessed or assessable for taxes for the year 1888, and for all succeeding years, shall be made under and by virtue of the provisions of this act.

Power to enforce
collection of
back taxes.

§ 23. All the provisions of this act regulating and controlling the assessment and levy of taxes, and all powers, rights and remedies provided herein for the collection and payment of same, shall control and apply to all taxes assessed or collected in said city, whether for the purpose of paying the interest and principal of the funding bonds of said city, or for defraying the current annual expenses of the public schools of said city, or for city purposes, or for any other purpose for which the common council has the right or authority to levy taxes.

Assessment and
levy.

ARTICLE XI.

Sinking Fund.

§ 1. A sinking fund to pay the public or bonded debt of the city of Henderson is hereby created, and

Sinking fund.

the resources thereof shall be devoted to the payment of the bonded or public debt of the city of Henderson, and to no other purpose or use.

Board of commissioners. § 2. A board of commissioners of said sinking fund is hereby established, to be styled the board of commissioners of the sinking fund of Henderson. The mayor of the city of Henderson, the president of the Henderson branch of the Farmers' Bank of Kentucky, the president of the Henderson National Bank, and their successors, shall, *ex officio*, together with two persons to be appointed annually by the common council of the city of Henderson, constitute the board of commissioners of the sinking fund of the city of Henderson; and by that name they shall have corporate existence, may sue and be sued, and do and perform all things necessary to execute the duties required and powers given them by law; they may have and use a common seal; pass rules and by-laws for the government of themselves, not inconsistent with the laws of the Commonwealth.

Secretary. § 3. The clerk of the common council of the city of Henderson, and his successors, shall, *ex officio*, be secretary of said board, and shall keep a faithful record of the proceedings, acts, orders and doings of said board, which record shall, at all times, be subject to the inspection of the common council, or any committee appointed by them for that purpose.

President. § 4. The mayor shall be president of said board, and any three of the commissioners shall be competent to compose a board for the transaction of business.

Resources. § 5. The funds, estate, income and resources belonging to or set apart by law or ordinance for the use of the sinking fund, shall be vested in and controlled by the said commissioners; and when injured, withheld or obstructed, may be sued for and recovered for them either in their corporate name or in the name of the city of Henderson.

§ 6. It shall be the duty of said commissioners, by

the means and income of said fund, to provide for the payment of the public or bonded debt of said city, Bonded debt. and they shall, for that purpose, have power to invest any of the funds in their hands in such bank stock, bonds or other securities as they may deem best; or they may loan any of the funds they may at any time have on hand by taking as security for the payment thereof the bonds of the city of Henderson, or the bonds of the county of Henderson, or of the State of Kentucky, or of the United States, or upon such other security as they may deem best; or they may deposit in any of the banks of this State, or in any national bank, any of the money of said fund, upon terms which may be agreed upon by the parties; and they shall have power to apply any funds on hand at any time to the extinguishment of the public or bonded debt of said city, by payment or purchase of the bonds of said city: *Provided*, That no bond of the city of Henderson shall be purchased or paid by said commissioners at more than the par value thereof unless all the commissioners concur therein; and the said commissioners may, at any time, lend to the city of Henderson any money they may have on hand, not as an investment, but to aid and accommodate said city.

§ 7. All stocks, bonds, or other securities, in which Securities. any of said funds may be invested, shall be held as a part of said sinking fund; and any stock in any bank so held by them may be represented and voted, in all meetings or elections, by proxy constituted by the commissioners.

§ 8. The city treasury of the city of Henderson shall be the custodian of all money, bonds, notes, and other effects of the sinking fund; and he and his sureties in his bond as city treasurer shall be responsible for the faithful discharge of his duties as such custodian. Custodian of sinking fund.

§ 9. If any note taken by the commissioners for the loan of any money, for the repayment of which any Loan of any money. bond may have been pledged, should not be paid at

maturity, it shall be the duty of the treasurer, upon publishing notice in one of the newspapers published in the city of Henderson, for not less than ten days, to sell to the highest bidder for cash the bonds so pledged to an amount sufficient to pay the principal and interest of such note and the costs of advertising. Suit may be instituted on such note for the balance that may remain. Notes by the commissioners for the loan of money under this act shall refer to it and bind the obligors to comply with its provisions.

Report.

§ 10. The said commissioners shall make a report to the common council, at the first meeting thereof in June of each year, of the condition of the sinking fund for its preceding year, with such suggestions as they may deem proper as to its application, improvement and future management; and shall, whenever required, give to the common council information concerning said fund.

Income and expenditures, how kept.

§ 11. The treasurer of the city of Henderson shall keep an account of the income and expenditures of the sinking fund, so as to exhibit the amount paid into the treasury of the sinking fund, and from what source, and the amount paid out and for what purpose. All money received by the treasurer of the city of Henderson from the sources herein devoted to the sinking fund, shall be placed by him to the credit of the sinking fund. He shall pay no money out of the sinking fund except upon the warrant of the secretary thereof, and countersigned by the mayor as president thereof. The secretary shall not draw any warrant upon the sinking fund unless authorized and directed so to do by at least a majority of all the commissioners.

§ 12. The commissioners shall, upon the purchase or payment of any of the bonds of the city of Henderson, cancel and register the same in such mode as they shall deem best, and file with the clerk of the common council a certificate thereof.

§ 13. If either of the presidents of said banks shall

refuse to serve as commissioner of the sinking fund, the common council shall fill the vacancy by appointment; or if said banks, or either of them, should become extinct, the common council shall appoint some person as a member of the said board of commissioners in lieu of said bank president.

Vacancy, how filled.

§ 14. The common council may make such allowance to the city treasurer for his services as custodian of the effects of the sinking fund as they may think right, not exceeding two hundred and fifty dollars per year.

Treasurer's compensation.

§ 15. Hereafter all taxes levied to pay the principal and interest on the bonded indebtedness of the city of Henderson, and all wharfage tax for license (except such part thereof as is necessary to pay for and keep up the repairs and the cleaning of the wharf), and other moneys devoted to the sinking fund, shall be paid by the collector or other person paying same to the treasurer of the board of commissioners of the sinking fund, and his receipt taken therefor. After paying the interest on the bonds, should there remain in the hands of the treasurer of the city a surplus from the tax levied and collected for that purpose, such surplus shall be transferred to the sinking fund, and be used and devoted to paying the principal of the bonded indebtedness.

Bonded indebtedness.

ARTICLE XII.

Miscellaneous Provisions.

§ 1. The inhabitants of the city of Henderson shall not be deemed tithable for county purposes, or required to pay county levy, as required in chapter twenty-seven of the General Statutes of Kentucky.

Inhabitants not tithable for county purposes.

§ 2. The common council shall have the power to levy and collect on stores, merchants, grocers, and tobacco factories in proportion to their value, at the rate of one per cent., as directed herein in regard to general taxation; or they may, in lieu of an ad valorem tax, classify the stores, factories, groceries,

Power to levy and collect on stores, etc.

etc., and issue license to them, and charge tax therefor.

§ 3. The common council shall, in 1891, but before the first day of September, 1891, and before the first day of September of each year, for the regular election of the judge of the Henderson city court, fix his annual salary for his term of office, which salary shall be payable monthly out of the city treasury, and shall not be diminished during the term of office for which it was fixed. And the said judge shall not receive more than five hundred dollars nor less than three hundred dollars per annum for his services. The common council may, at any time after the passage of this act, fix the annual salary of the present judge of the said court for his term of office or otherwise, as said council may deem proper.

§ 4. The present judge of the Henderson city court, E. C. Ward, may hold his office until the first Monday of September, 1891, at which time his term of office shall terminate, and his successor shall then qualify and enter upon the discharge of his duties as such judge.

§ 5. All ordinances of the city of Henderson now in force, not in conflict with this charter, shall continue in force until repealed by the common council; and all laws vesting rights in, or imposing duties upon the city of Henderson, not herein superseded or repealed, shall remain in force until specially repealed by the General Assembly of the Commonwealth of Kentucky.

§ 6. The recognized records of the trustees of the town of Henderson, and of the city of Henderson, under the mayor and council, and under the common council herein created, and all bonds and contracts executed to the said town or city, shall remain in full force, and remaining in the proper offices of said city, are hereby declared to be public records; and copies thereof, certified by the proper officer or keeper thereof, shall be evidence in all courts, to the same

extent that the originals would be on due proof ; and the keeper of such records may be entitled to fees for copies of the same, to be prescribed by ordinance.

§ 7. This charter shall go into effect and be in full force as a law on and after the day of its passage, and thereafter be the charter of the city of Henderson ; but the several officers now in office, under the government of said city, shall continue to hold and discharge the duties of their respective offices until the election and qualifications of officers as provided in this charter.

Approved April 9, 1888.

CHAPTER 929.

AN ACT to provide for a vote upon the question of the sale of intoxicating liquors in the county of Garrard.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall be unlawful for any person or persons to sell, barter, give, loan or traffic in spirituous, vinous or malt liquors, in any quantity whatever, within the county of Garrard, except as hereinafter provided ; and all laws or parts of laws authorizing the county judge of said county, or the trustees of any town within said county, to grant a license to retail spirituous, vinous or malt liquors, are hereby repealed.

§ 2. This act shall not apply to the procuring or use of wine for sacramental purposes, or to a regular resident practicing physician, who in good faith prescribes the same as a medicine to his patient or patients.

Not apply to wine for sacramental or medicinal purposes.

§ 3. Any person violating the provisions of the first section of this act, unless within the exceptions named, shall be fined for each offense (each violation to be deemed a separate offense) in a sum not less than one hundred dollars, nor exceeding three hundred dollars,

Penalty.

to be recovered by the indictment of a grand jury, or by a proceeding before the county judge, in the name of the Commonwealth, after five (5) days' notice ; the accused, if he demands it, to be entitled to a trial by jury.

Penalty.

§ 4. Any physician who shall furnish spirituous, vinous or malt liquors to any person or persons except as a medicine, shall be fined one hundred dollars for each offense, to be recovered as provided in the third section of this act, and each violation shall be deemed a separate offense.

Procuring for
and delivery to
another deemed
sale.

§ 5. The procuring for, or the delivery by one person of liquors to another, to be drank as a beverage, shall be deemed a sale under the provisions of the first section of this act, and shall subject the party procuring or delivering the same to the penalties annexed for a violation of said section.

Give act in
charge to grand
jury.

§ 6. It shall be the duty of the circuit judge of the county to give this act in charge to the grand jury at each term of the court.

Submitted to
vote.

§ 7. The provisions of this act shall become operative when approved by a majority of the votes cast at an election to be held at each and all the voting precincts of the county of Garrard, on the first Saturday in October, eighteen hundred and eighty-nine (1889) ; all persons being entitled to a vote at said election who, at the day named, would be entitled to vote for a Representative in the Legislature. The clerk of the county court shall prepare the poll-books for the election, having one column headed "For the sale of spirituous, vinous and malt liquors," and another "Against the sale of spirituous, vinous and malt liquors," and the votes recorded as the voters may express themselves. The officers of the election shall be appointed as under existing laws in reference to general elections, and the polls returned and compared in like manner. If the majority of the votes cast are against the sale of liquors, the certificate of the board shall be to that effect, and the clerk of the county court shall at once record the

same in his office, and then the provisions of this act shall be in full force. Fifteen days' notice of said election shall be given by the sheriff or the county judge, by printed or written notices posted in each of the precincts of the county, and said notice shall be inserted in the county paper for two weeks next before the election: *Provided, however,* That a failure to give said notice as herein required shall in no way affect or invalidate said election if held and said vote is taken.

§ 8. It shall be unlawful for the county judge of Garrard county to grant a license to any person to sell spirituous, vinous or malt liquors in said county after the Governor approves this act, until a vote upon the sale of spirituous, vinous and malt liquors, as provided in the aforesaid section, is taken in said county.

§ 9. If the circuit judge, county judge, mayor of the town of Lancaster, police judge of any town in said Garrard county, magistrate, sheriff, jailer, policeman, marshal or constable, or other peace officer in said county, having knowledge or information of a violation of the provisions of this act, shall willfully neglect or fail to execute the duties required of them respectively, they shall, upon indictment of a grand jury, and conviction thereof in the circuit court, be fined not less than fifty nor more than one hundred dollars for each offense.

§ 10. This act shall take effect and be in force from and after its passage.

[Became a law without approval of Governor April 9, 1888.]

CHAPTER 930.

AN ACT for the benefit of the owners or lessees of the ferry at the town of Russell, in Greenup county, and providing penalties for a violation of the same.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person or corporation, within one-half mile each way from the established ferry at Russell over the Ohio river, to keep or maintain a ferry across said river, or keep a boat, skiff or other water craft, with a hand or hands, to be used for the purpose of ferrying, or in which they may, for compensation or otherwise, transport or carry any horse, wagon, carriage, person or other thing whatever, over or across said river within the limits aforesaid, nor shall any person or corporation furnish, hire or loan to another any boat, skiff or other craft to be used for ferrying any person or thing over said river within the limits aforesaid, with or without compensation: *Provided*, That the provisions of this act shall not apply to any resident owner of a skiff or other water craft, when used by him or them in ferrying any member of his family or employe over said river, within the limits aforesaid, or for ferrying supplies to or for them or either of them, or for using the same in any way for the use of himself or the use of his own family.

§ 2. Any person or persons violating the provisions of this act shall, for each offense, be fined any sum not less than ten nor more than twenty dollars, recoverable before any justice of the peace for Greenup county, having jurisdiction thereof, upon a warrant in the name of the owner or owners, lessee or lessees of said established ferry, which may be tried at any time.

§ 3. This act shall take effect and be in force from its passage.

[Became a law without approval of Governor April 10, 1888.]

CHAPTER 931.

AN ACT again submitting to the voters of Hardin county the question as to whether or not spirituous, vinous or malt liquors shall be sold in said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. It shall be the duty of the judge of the Hardin county court to make an order on the order-book of said court, at least sixty days prior to the election provided for in this act, directing the officers of the election, in all the voting precincts in said county, to open a poll at the regular August election, 1888, for the purpose of again taking the sense of the legal voters in said county upon the proposition whether or not spirituous, vinous or malt liquors, or any mixture thereof, shall be sold in said county as a beverage.

§ 2. It shall be the duty of the clerk of the Hardin county court to furnish the necessary poll-books for conducting said election, and of the sheriff to publish a copy of the order of the county court ordering said election in all of the weekly newspapers published in said county, not less than four weeks previous to said election.

§ 3. It shall be the duty of the officers of said election to propound to each voter who may vote this question: "Are you in favor of license, or are you in favor of prohibition?" and his vote shall be recorded on the poll-books, furnished as aforesaid, as he shall direct; said poll-books shall be returned as other poll-books in said election, and shall be examined and compared by the same officers now provided by law.

§ 4. If it shall be found that a majority of the legal votes cast at said election were given in favor of prohibition, then the present prohibitory law now in force in said county shall continue in full force and effect;

but if, at said election, it shall be ascertained that a majority of the legal votes cast therein were given in favor of license, it shall be the duty of the examining board to certify that fact to the county court of said county; and said certificate shall be spread upon the order-book of said court at its next regular term thereafter; and the sale of spirituous, vinous and malt liquors shall be thereafter permitted within said county, under the general laws of this Commonwealth.

§ 5. This act shall take effect from its passage.

[Became a law without approval of Governor April 10, 1888.]

CHAPTER 932.

AN ACT to establish a Lumber Exchange for Louisville, and to abolish the office of Inspector of Lumber of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Names of incor-
porators.

§ 1. That Frank Ingram, C. C. Mengel, Henry S. Cooling, R. B. Cotter, James Callaway, J. B. Eddy and S. P. Graham, and their associates, be, and the same are hereby, created a body-politic and corporate, under the name and style of "Lumbermans' Exchange of Louisville;" and by that name may sue and be sued, implead and be impleaded, receive, acquire and hold property and effects, real and personal, by gift, devise or purchase, and dispose of the same by sale and conveyance, or by lease or otherwise; may have a common seal, and may alter the same at pleasure; and shall possess and enjoy all powers, privileges and immunities incident to corporations for the purpose herein mentioned and contemplated.

Capital stock.

§ 2. The amount of capital stock shall be fifty thousand dollars, divided into one thousand shares of fifty dollars each; but said capital stock may be increased by a two-thirds vote of all the members to one hundred thousand dollars. Upon the expulsion of any mem-

ber, as is hereafter provided, he shall forfeit his stock, and the same shall revert to the corporation. The amount of indebtedness of said corporation shall at no time exceed an amount equal to two-thirds of the capital stock.

§ 3. The private property of the members shall be exempt from the debts of the corporation. No person shall become a member of said corporation unless he be the *bona fide* holder of one or more shares of stock in said corporation, but the ownership of stock in said corporation shall not of itself entitle a person to become a member of said corporation. Private property.

§ 4. The affairs of said corporation shall be managed and conducted by a board of not less than five nor more than nine directors (the number of directors may be fixed at any time by the members of said corporation), and who shall be elected annually by the members of said corporation, and continue in office until others are chosen in their place, a majority of whom shall constitute a quorum for the transaction of business. The officers of said corporation shall consist of a president, vice-president, secretary and treasurer. The president and vice-president shall be elected annually by, and selected from, said board of directors; and the said board of directors may appoint the secretary and treasurer, and require of the latter such bond and sureties as may be prescribed, by the by-laws of said corporation; and the said corporation may appoint such other officers, agents and servants as the directors may deem necessary for carrying into effect and accomplishing the objects and purposes of this act, not inconsistent with the laws of this State or of the United States. Directors.

§ 5. The said corporation is hereby authorized to establish such rules, regulations and by-laws, for the management and conduct of its business, and of its officers, agents and servants and members, as they may think proper, and for the time and manner of holding elections, filling vacancies, and appointment By-laws.

of agents, servants and employes: *Provided always*, That they be in conformity to the laws of this State and of the United States.

Suspension of
members.

§ 6. Said corporation shall have the right to prescribe the rules, regulations, terms and conditions under, and upon which members may be received into and suspended or expelled from said corporation, and may revise and alter the same from time to time as they may think proper.

Appoint inspect-
or.

Prescribing rules
and regulations
of.

§ 7. Said corporation shall have power to appoint inspectors, as many as they shall see fit, to examine, measure and inspect lumber, timber, shingles, wood, and every other article of traffic commonly dealt in by the members of said corporation, or any of them, or by persons engaged in what is commonly understood to be the lumber business, and to prescribe rules and fix grades by which such inspectors shall be governed in the discharge of their duties; and the certificates of such inspectors as to the quality, quantity or character of such articles thus inspected, and their mark thereon, shall be *prima facie* evidence, between buyer and seller, of the grade, quantity, quality or character of the same, and shall be binding upon the members of said corporation or others interested, who shall obtain, require or assent to the employment of said inspectors. Nothing herein contained, however, shall compel the employment by any one of such inspectors.

Impose fines.

§ 8. The board of directors of said corporation may impose fines upon any of its members for a breach of its rules, regulations or by-laws, but no fine shall exceed twenty-five dollars; and the failure to pay any such fines when incurred may be enforced by the expulsion or suspension of such members in default by said board of directors.

Committee of
reference and
arbitration.

§ 9. Said corporation is hereby authorized to constitute and appoint committees of reference and arbitrations, and committees of appeals, who shall be governed by such rules and regulations as may be

prescribed in the rules, regulations or by-laws, for the settlement of such matters of difference as may be voluntarily submitted for arbitration by members of said corporation. The acting chairman of either of said committees, when sitting as arbitrators, may administer oaths to parties and witnesses. When any submissions shall have been made in writing, and a final award has been rendered (and no appeal taken within the time fixed by the rules or by-laws of said corporation relating thereto), then, on filing such awards and submissions with the secretary of said company, the same shall be final, and upon the failure of the party to comply with same, it shall be a sufficient ground for expulsion of such member or members as so fail to comply therewith.

§ 10. For the purpose of organizing the corporation hereby created, the corporators herein named, or a majority of them, are hereby authorized and directed to call a meeting of the members of the Lumbermen's Exchange, so called, now existing in said city of Louisville, to be held in said city on the 7th day of May, 1888, for the purpose of electing directors, and for the transaction of such other business as may be necessary to perfect such organizations, the time and place of holding which said meeting notice shall be given for two successive days next preceding the time of holding the same, in one of the daily newspapers published in said city of Louisville. And a regular annual election of directors shall be held on the first Monday in May in each year thereafter.

§ 11. The corporation may commence business upon the payment of five per cent. of the stock subscribed.

§ 12. The office of city Inspector of Lumber for the city of Louisville be, and the same is hereby, abolished.

§ 13. This act shall take effect and be in force from and after its passage.

Approved April 9, 1888.

CHAPTER 934.

AN ACT in relation to the coroner of the county of Jefferson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. When, in the opinion of the coroner, it shall be necessary to have a *post mortem* examination of a dead person during an inquest, besides a competent surgeon and physician mentioned in chapter 25 of the General Statutes, and if the judge of the circuit court shall so order, the affidavits of said coroner and other persons, filed before such circuit court, to the effect that they, the said coroner and other persons so giving their affidavits, believe, or have reason to believe, that it is necessary, in order to ascertain the cause of death, that a chemical analysis should be made of the contents of the stomach of such dead person, or a chemical analysis of any part of the body of such dead person, the said coroner employ a competent analytical chemist for the purpose of analyzing the stomach, its contents, or any part of the body of said deceased person, and for the purposes of discovering the nature and effect of any drug, medicine, chemical preparation, or any other substance proved to have been given to or taken by said person before death, the court of claims of the county in which said dead person is found, and in which said services may be rendered, shall allow the chemist a reasonable sum therefor, not to exceed thirty dollars: *Provided, however,* That if the chemist herein mentioned is employed, the competent surgeon and physician mentioned in this section shall not be employed: *And provided further,* That if said analysis is made upon a dead person found in the city of Louisville, the general council and mayor of said city shall allow a reasonable sum therefor, not to exceed thirty dollars.

Surgeon.

Chemical analysis.

Court of claims.

§ 2. That all acts or parts of acts that come in conflict herewith are hereby repealed.

§ 3. That this act be in force from its passage.

Approved April 10, 1888.

CHAPTER 935.

AN ACT to amend an act, entitled "An act to incorporate the Kentucky Manufacturing Establishment for the Blind," approved January 16, 1882.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Kentucky Manufacturing Establishment for the Blind be, and it is hereby, authorized to issue bonds to the amount of twenty-five thousand dollars, payable in not exceeding ten years, at a rate of interest not exceeding six per cent. per annum, payable semi-annually; and said bonds may be in the denomination of one hundred dollars, five hundred dollars, and one thousand dollars, and may have coupons for the interest attached; and the issue of said bonds to be voted and authorized at a meeting of the board of directors of said establishment. Said establishment may secure the principal and interest of said bonds by a first mortgage of the said establishment on its property, situated on the east side of Fifth street, in the city of Louisville, Kentucky, and said mortgage may be made to some one of the trust companies, banks, or persons in said city of Louisville. The proceeds of said mortgage bonds shall be applied to the erection and building upon the said real estate of said establishment of tenement and business houses, which houses are to be rented or leased out at the best price that can be obtained therefor; and after paying for the necessary repairs and expenses of insurance and janitor, the net proceeds of rents shall be put into a sinking fund, which said establishment shall create, with any bank or trust company in this State, on such

Issue bonds.

Interest.

Secure principal and interest.

Proceeds of mortgage bonds.

terms as to interest and other particulars as may be agreed upon; and the property and money in said sinking fund shall be applied to the redemption and payment of said bonds herein authorized.

§ 2. When said bonded debt authorized by the first section of this act shall have been paid off and extinguished, the rent and income from the property of said establishment shall be applied and used for the maintenance and education of blind apprentices, as contemplated in the original charter.

§ 3. This act shall be enforced from and after its passage.

Approved April 10, 1888.

CHAPTER 936.

AN ACT for the benefit of the city of Carlisle.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for, and the Nicholas county court, by its presiding judge, is authorized, for and on behalf of said county, to subscribe a sum not exceeding six hundred dollars, provided an equal amount is subscribed by the city of Carlisle, both said subscriptions to be and are applied in aid of the purchase and construction (with proper and substantial stone abutments) of an iron bridge to span Brushy Fork creek, at a point just inside the limits of said city, where a street of said city crosses said stream, a short distance from the intersection of said street with the Carlisle and Concord roads, and provided that said bridge shall be purchased and its erection contracted for by a commission consisting of the "commissioners of turnpike roads of Nicholas county," and a member of the common council of said city selected and appointed to that duty by said common council.

§ 2. Upon said subscription being made by said

county court, it shall be the duty of the court, by its presiding judge, to levy a tax upon all the taxable property of said county sufficient to pay the same, and the sheriff's commission for making the collection, and it shall be the duty of the sheriff to collect the same and pay it over to or upon the order of said bridge commission.

§ 3. This act shall take effect and be in force from and after its passage.

Approved April 10, 1888.

CHAPTER 937.

AN ACT to authorize the restoration of deeds and titles to real estate, in Graves county, Kentucky, destroyed by fire and otherwise, and to provide for such restoration.

WHEREAS, On the morning of the eighteenth day of December, 1887, the court-house in Graves county, including nearly all the records of the county, circuit and common pleas courts, and the records in the county and circuit clerk's offices, were destroyed by fire; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The judge of the Graves county court shall Commissioners. appoint three discreet, intelligent, *bona fide* house-keepers, resident in said county, not less than twenty-five years of age, who shall act as commissioners, whose duties shall be to take evidence in regard to titles to real estate in Graves county, Kentucky, where the owners, holders or claimants have no record title to their realty, and whose deeds or written evidences of title have been lost, destroyed, or so mutilated as to be unintelligible; or where such owners, holders or claimants hold, by devise or devises, and the written evidence of such devise or devises, and the records thereof, have been destroyed

by the burning of the records of said county as aforesaid, or where such owners, holders or claimants own, hold or claim by or through inheritance, with record or other well authenticated written evidences of title, and the record and well-authenticated written evidences of title of the party or parties from whom such realty was inherited have been destroyed or so mutilated as to be unintelligible.

§ 2. Said commissioners shall in all cases be governed by the rules and laws of evidence in force in the State of Kentucky at the time of taking such evidence, and they are authorized to administer oaths, issue summons for witnesses, and compel attendance of witnesses as courts now do.

Commissioners
governed by rules
and evidence.

§ 3. They shall reduce to writing such evidence as they may from time to time hear, which they may deem pertinent to the title or titles they may be then investigating or that they may deem essential or important to preserve, and cause such written evidence to be signed by the witness testifying and attest the same, and shall state in the caption the time and place of taking such testimony, also the name, age and residence of the witness; and shall attach a certificate thereto, to be signed by such commissioner or commissioners taking such testimony, that the same was read and fully explained to the witness before the signing thereof, and that said witness was duly sworn by such commissioner or commissioners.

Evidence.

§ 4. Said commissioners shall be duly qualified before acting before the Graves county court by taking the oath prescribed by the Constitution, and that they will faithfully and impartially discharge all the duties incumbent upon them as such commissioners.

Commissioners
qualified.

§ 5. Said commissioners shall make deeds to the party or parties for such tract or tracts of land or town lots as they may determine from the evidence they are entitled to, which deeds shall be signed by the commissioner or commissioners by whom the evidence was taken, and such commissioner or commis-

Commissioners
make deeds.

ioners shall cause the party or parties to whom such deeds are made, or the lawful attorney or attorneys of such parties, to indorse their acceptance of such deed or deeds if accepted, and attest such acceptance, and shall return such deed, with the written evidence of title taken by them upon which such deed is made, to the clerk of the Graves county court, together with the fees for recording such deed, and filing, packaging and indexing such evidence; and such deed shall thereupon be recorded by said clerk, and then delivered by him to the party or parties entitled thereto. The written evidence returned by said commissioners shall be filed by said clerk in his office in proper packages, properly labeled and numbered, and an index thereof made by him in a book to be procured by him in the name of each and every party concerned therein as shown by such evidence; and such written evidences shall forever remain in said county clerk's office as a part of the records thereof, and copies thereof may, from time to time, be made and used as evidence as copies of other records, and such deeds and the records thereof shall be *prima facie* evidence of title, subject, however, to revision by courts of equity having jurisdiction, and shall, after ten years' peaceable possession thereunder from the date of the record of such deeds, vest an absolute title to the lands or town lots therein conveyed in the party or parties to whom made, or their heirs, assigns or devisees: *Provided, however,* Such limitations shall not run against person or persons laboring under disability at the time of making such deeds until one year after such time as such disability shall be removed.

§ 6. Said commissioners shall hold their offices for two years from the date of their appointment, but may be removed for cause by the judge of the Graves county court; and but one of said commissioners shall act in one case, unless the party or parties interested desire that more shall act; but in such event the party or parties demanding the presence

Commissioners
hold office.

and action of two or more of said commissioners shall make such demand in writing, and shall be required to pay all additional expense incurred thereby.

Commissioners
investigate titles.

§ 7. Should the commissioner or commissioners who take the evidence adjudge that the party or parties whose title or titles they may investigate at any time are not entitled to a deed, then in that event no deed shall be made, and in such event the party or parties concerned may thereupon appeal from such decision within sixty days after refusal to make such deeds on demand of party or parties at interest, to the court in said county having equity jurisdiction of titles to realty.

Salary of com-
missioners.

§ 8. The commissioners shall receive for their services the same compensation as examiners are allowed by law, which, together with the fees of the county clerk for recording the deeds required to be recorded by section number five of this act, shall in all cases be paid by the party or parties for whom such services are rendered.

County clerk's
compensation.

§ 9. The county clerk shall receive for his services herein one dollar for recording each deed made as herein provided, including the taking of the acknowledgment and certificate of same, the record of such certificate and the certificate of record, and twenty-five cents for each additional tract embraced in each deed, should there be more than one tract included in any one deed, and twenty-five cents for filing, indexing and packaging the evidence in each case, all of which fees shall be paid to him by the commissioners at time of filing the deeds and evidence as hereinbefore provided.

State tax.

§ 10. No State tax shall be collected on such deeds as may be made and recorded under the provisions of this act, and the county clerk of Graves county shall not be required to account therefor.

Deeds.

§ 11. The deeds provided for in this chapter shall be in manner and form as follows, namely: "I, —, commissioner appointed by the judge of the Graves

county court, under and by virtue of an act of the General Assembly of the Commonwealth of Kentucky, entitled 'An act to authorize the restoration of deeds and titles to lands in Graves county, Kentucky, destroyed by fire and otherwise, and to provide for such restoration and for other purposes,' approved on the — day of —, eighteen hundred and eighty-eight, having been called on by — to establish — title —, to certain lands in Graves county, Kentucky, and having fully examined all the evidences of title to us produced by said part —, which evidence is filed herewith and made part hereof, and having, on said evidence, determined that said part —, hereinbefore named —, entitled to the following described tract — of land, situate in Graves county, Kentucky, described as follows, viz: — containing — acres of land —. Now, therefore, in consideration of the premises, and by virtue of the authority vested in — by said act — said — commissioner as aforesaid, do hereby convey to said — the above described tract — or parcel — of land —, with covenant of general warranty; but it is expressly understood that — not to be held personally responsible for such warranty. Witness, — signature —, this the — day of —, eighteen —. Do hereby accept the above deed this the — day of —, eighteen —. State of Kentucky, Graves county, *scil.*: I, —, clerk of the county court within and for the county and State aforesaid, certify that this deed to — was this day acknowledged before me by —, commissioner — to be —, act and deed. This, the — day of —, eighteen —. C. G. C. C. By —, D. C. The foregoing deed was this day produced to me for record, and I have recorded same in my office. Given under my hand as clerk of the Graves county court this, the — day —, eighteen —, clerk."

§ 12. The clerk of the Graves county court shall not be required to file or record any deed or evidence pro-

vided for in this chapter until the fees for record and filing shall be paid to him.

§ 13. This act shall take effect and be in force from and after its passage.

Approved April 10, 1888.

CHAPTER 938.

AN ACT to incorporate the Standard Club, of Owensboro, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Louis D. Barr, Ben. Rosenthal, E. L. Bamberger, Sol. Rothchild, Leon. Rothchild, C. K. Lehrberg, Henry Wile, and their associates, be, and they are hereby, created a body-politic and corporate, under the name and style of the Standard Club, and by that name shall have perpetual succession, and shall have power to contract and be contracted, sue and be sued.

§ 2. The capital stock of said club shall be one thousand dollars, divided into shares of ten dollars each. Said stock shall not be transferable by any act of holder thereof, or by operation of law; but in the event of the resignation or expulsion of any member of said club, his stock shall revert to the club.

§ 3. No person shall be entitled to hold or acquire more than one share of stock, and each stockholder shall be entitled to one vote, but such vote must be cast in person.

§ 4. The capital stock of said club may be increased at any time, by a two-third vote of the board of directors, to any amount not exceeding ten thousand dollars.

§ 5. Said club shall be situated in the city of Owensboro, Kentucky, and shall have power, and is hereby authorized, to establish, furnish and maintain a suit.

ble club house for the use, convenience and benefit of its members, and for that purpose may purchase, build or rent suitable land and buildings in said city.

§ 6. The affairs of said club shall be managed and controlled by a board of three directors, and the president of said club, and the recording secretary thereof, shall be *ex officio* members of said board of directors. Directors.

§ 7. The highest amount of indebtedness or liabilities to which said club is at any time to subject itself is one thousand dollars. Indebtedness.

§ 8. The private property of the members or stockholders is to be exempt from the corporate debts. Private property.

§ 9. The officers of said club shall consist of a president, vice-president, and secretary and treasurer, and the board of directors are authorized to require of said treasurer a bond, in such amount as they may deem necessary, for the faithful performance of his duties, and to faithfully account and pay over all moneys to said club and properties of the club as may come into his hands by virtue of his said office. Officers of club. Bond of treasurer.

§ 10. The officers and directors of said club shall be elected by the stockholders thereof, at such time and in such manner as may be prescribed by the by-laws thereof. Election of officers.

§ 11. This act to take effect from and after its passage.

Approved April 10, 1888.

CHAPTER 939.

AN ACT to repeal the original charter and amendment thereto, and to make a new charter for the town of Morehead, in Rowan county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act approved January 26, 1869, incorporating the town of Morehead, in Rowan county, and all acts amendatory thereof, are hereby repealed, and this act shall be in lieu thereof, and shall stand as Amending original charter.

the charter of said town; and the inhabitants of the same, as designated in the boundary hereinafter set out, are hereby declared to be a body-politic and corporate, with perpetual succession; with power to sue and be sued, contract and be contracted with, plead and be impleaded, defend and be defended, by the name of the town of Morehead.

§ 2. That the limits of said town shall extend and embrace all the area included in the following boundary, viz.: Beginning in the road known as the "County Road," one hundred yards west of the dwelling-house where the widow of Colonel John Hayes now resides; thence a straight line, a south-west course, to the branch known as the "County Road" branch; thence with said branch to the point where the main street or road leading from Morehead to Farmer's crosses the same; thence a south-east course a straight line to the foot of the hill on the south-east side of Triplett creek; thence up Triplett creek with the foot of said hill or hills so as to include Thomas I. Trumbo's dwelling and other houses on his lands, and across from spur to spur of the hills by straight lines to a point opposite the upper end of the town of Rodbourn; thence crossing said creek and running a north course a straight line, so as to include the town of Rodbourn, to the foot of the hills on the north-west side of said creek; thence down said creek, and running three hundred yards above the main foot of the hills on said north-west side, and running straight lines across from spur to spur of said hills to the road that runs up the branch known as the "Raybourn Branch" two hundred yards west of C. P. Tirrell's house; thence a straight line a south-west course to the county road, the place of beginning, including the dwelling of said Mrs. Hargis.

Government
vested in board
of trustees.

§ 3. That the fiscal, prudential, and municipal government of said town shall be vested in the board of trustees, composed of four persons and a police judge, who shall be *ex officio* chairman of said board.

§ 4. That the said board of trustees and their successors shall be a body-politic and corporate, and shall be known and called the Board of Trustees of Morehead; and by that name shall be capable in law, and for and in behalf of said town, of contracting and being contracted with, suing and being sued, of pleading and being impleaded, defending and being defended, in all courts and places, and may do all other acts, matters and things which a body-politic and corporate, having perpetual succession, may lawfully do within the limits of the powers herein granted. Powers of board of trustees.

§ 5. That the officers of said town shall be as follows: A police judge, an attorney, a clerk, a treasurer, a marshal, an assessor, and such other officers as the board of trustees may from time to time appoint. Officers.

§ 6. That an election shall be held in said town annually on the first Saturday in May of each year, at such place as the board of trustees may designate, and of which ten days' previous notice shall be given by notice posted at three public places in said town by the clerk of said board. Election.

§ 7. That at the annual election there shall be elected, by the qualified voters of said town, four trustees, a police judge and a marshal, and the person or persons receiving the highest number of votes for said offices shall be declared elected. Elect four trustees.

§ 8. That the officers elected under the provisions of this act shall respectively hold their offices for one year, and until their successors are elected and qualified. All other officers not specifically provided for in this act may be appointed by the board of trustees, and shall hold their offices during the pleasure of said board. Time officers hold office.

§ 9. No person shall be eligible to any office in said town who is not a citizen thereof, and who has not, at the time of his election or appointment, resided in Eligibility to office.

said town at least six months previous to such election or appointment.

Officers take
oath

§ 10. That every person elected or appointed to office under the provisions of this act, before entering upon the duties thereof, shall be sworn by some officer authorized to administer oaths to well and faithfully perform the duties of his office, the taking of which shall be noted on the records of said board of trustees by the clerk thereof.

Vacancy occur.

§ 11. That whenever a vacancy shall occur by death, removal, resignation, or otherwise, in any office under the provisions of this act, the board of trustees may fill said vacancy by appointment until the next annual election, and until their successors have been qualified.

Clerk and judge.

§ 12. That the board of trustees shall, before each annual election, appoint two persons as judges and a clerk to hold said election, and the marshal of said town shall be *ex officio* sheriff of said election; said officers shall be sworn by some officer authorized to administer oaths faithfully to discharge their duties therein before entering upon the discharge thereof, and shall be governed as far as is consistent herewith by the laws of the State.

Hours for holding
election.

§ 13. That all elections by the qualified voters of the town shall be held between the hours of nine o'clock in the forenoon and five o'clock in the afternoon.

Qualification of
voters.

§ 14. That all male residents of said town over the age of twenty-one years, who shall at the time of offering to vote have resided in said town sixty days previous thereto, and are qualified voters of this Commonwealth, shall be entitled to vote at any election held in said town.

Poll-books.

§ 15. That the poll-books of all elections held in said town shall be returned to the clerk of the board of trustees under seal, who shall at the next regular meeting thereof, and in the presence of said board, examine and compare the same, declare the result,

and certify to the Secretary of State the name of the person elected to the office of police judge, and the Governor shall commission said officer.

§ 16. That the clerk shall keep a record of the proceedings of the board of trustees, whose meetings he shall attend; and copies of all papers duly filed in his office, and transcripts from the records of his office, certified by him, shall be evidence in all courts. He shall issue licenses, and do and perform all other acts that the board of trustees may lawfully require of him. Clerk keep record.

§ 17. That the treasurer shall receive all money belonging to the town, and keep an accurate account of receipts and expenditures. He shall pay out no money in his hands as such treasurer except by order of the board of trustees. He shall exhibit to the board of trustees once each year, and oftener if required, a full and detailed account of all receipts and expenditures from the date of the last settlement, which account shall be filed by the clerk in his office. Treasurer.

§ 18. That it shall be the duty of the marshal, before entering upon the discharge of the duties of his office, and within ten days after his election, to execute a bond, with approved security, in the county court, with covenants and conditions similar to a constable's bond, and in the same manner that constables are required to do. He shall attend all sessions of the police court, and give the town attorney notice of any proceeding in said court to which it is the attorney's duty to attend. The marshal shall execute and make due return of all process, civil or criminal, to him directed by the police judge or court, county judge or court, or the clerk of the quarterly court, or any justice of the peace of Rowan county. He shall possess the power and authority of a constable under the laws of this Commonwealth, and his powers of discharging his duties shall be coextensive with Rowan county. He shall be entitled Duty of marshal

to the same fees allowed by law to sheriffs and constables for similar services, to be collected in the same manner; for other services he shall receive such fee and compensation as the board of trustees may prescribe by ordinance or by law. He shall collect all executions and other demands placed in his hands for collection, and pay the same over to the person or persons entitled to receive the same. He shall be liable in the same way and manner, and in the same cases, as sheriffs and constables are, and sued or prosecuted in the same manner. The marshal shall be *ex officio* collector of the town taxes, and shall collect all taxes and assessments which may be levied by the board of trustees; and for that purpose shall have all the power to levy, distrain and sell for taxes, fines, assessments, forfeitures, or other dues of the board of trustees that sheriffs have in the collection of the State revenue, and shall have the same compensation, or any additional compensation the board of trustees may allow; and upon his failure to collect and pay over, he and his sureties shall be liable in the same manner, and proceeded against in the same way, that sheriffs and constables are proceeded against in this Commonwealth.

Compensation.

Powers of marshal.

The marshal shall have the power to sell any real estate to pay town tax or assessment against its owner in the same manner and on the same terms that sheriffs have to sell for State revenue when he can find no personal property out of which the taxes or assessments due can be made. The owner of such real estate, his representatives, heirs or assigns, shall have the right to redeem the same in the same manner, in the same time, and on the same terms as real estate sold by sheriffs for revenue; the marshal shall give the purchaser a certificate of sale, containing a description of the real estate, time of sale, quantity sold, and price for which it sold, which certificate shall be filed with the county clerk and recorded by him as he is required to do when land

is sold by the sheriff for revenue, and the clerk shall be entitled to the same fees for similar services. It Clerk's fees. shall be the duty of the marshal to arrest all persons who may at any time be guilty of a violation of the ordinances or by-laws of the town, respecting the good order, peace and tranquility of said town, or any of its inhabitants; and when necessary to quell riots, routs or breaches of the peace, he may summon all the male inhabitants of the town of Morehead, or of the county of Rowan; and any person who shall, on being summoned by the marshal, refuse to obey him, or render assistance, shall be fined in any sum not more than ten dollars for each offense, recoverable in the police court. He may at all times arrest drunk or disorderly persons, and he may commit to the jail of Rowan county any person who may be found in said town drunk, and the jailer of said county is authorized and directed to receive such person into and confine him or her in the jail until morning; but shall bring such person before the police judge, or, in his absence before the county judge or a justice of the peace before ten o'clock next morning; if no one appears against such person, he or she shall be discharged; or if none of the officers aforesaid be found, the jailer shall, by two o'clock of said day, discharge such person.

§ 19. That the police judge shall, after his election, Police judge. and within ten days after he receives his commission from the Governor, enter into bond, with approved security, in the Rowan county court, for the faithful discharge of his duties, and take the oaths prescribed by the Constitution and laws of this Commonwealth.

§ 20. That there is hereby established in said town a court, to be styled the Morehead police court, which Marshal's police court. shall be held by the police judge, to be styled the judge of the Morehead police court, who shall be elected as hereinbefore provided.

§ 21. That the Morehead police court shall have Court have exclusive jurisdiction. exclusive jurisdiction of all prosecutions for viola-

tions of the by-laws or ordinances of said town, and concurrent jurisdiction with other courts of Rowan county of prosecutions for riots, routs, breaches of the peace, and other misdemeanors committed within said county, where the penalty imposed by law does not exceed one hundred dollars fine and fifty days imprisonment. Said court shall have power and authority to take recognizances from persons charged with offenses cognizable before it to appear and answer the same, and the same power to declare the same forfeited, and pronounce judgment thereon, and to enforce full compliance therewith, as circuit courts have.

Court have
power to issue
warrants.

§ 22. That said court shall have power to issue warrants and other process in the name of the Commonwealth, to compel the attendance of witnesses, to enter judgment and award, and issue writs for the purpose of enforcing its orders and judgments, to the same extent, and in as full a manner as other courts of the Commonwealth of like jurisdiction.

§ 23. That said court shall have jurisdiction of all actions for the recovery of money or personal property within the magisterial district in which said town is situated, where the amount in controversy, exclusive of interest and cost, does not exceed the sum of fifty dollars, and jurisdiction in all such actions co-extensive with Rowan county where the amount in controversy is greater than fifty, and does not exceed one hundred dollars, exclusive of interest and cost; and by consent of the defendant or defendants thereto may hear and determine any action, where the amount in controversy, exclusive of interest and cost, does not exceed fifty dollars, even though said defendants reside outside the magisterial district in which said town is situated. But in all actions where the amount in controversy, exclusive of interest and cost, shall exceed the sum of fifty dollars, the pleadings therein shall be in writing. And the police judge shall have power to grant orders of attachment, injunctions, and restraining orders, orders of delivery, writs of *habeas*

corpus, distress warrants, and warrants in forcible entry and detainer cases, under the same circumstances and under the same rules and regulations as justices of the peace or judges of courts with like jurisdiction and powers.

§ 24. That the police judge shall be a conservator of the peace and shall have power to take recognizances to keep the peace, the same power as a county judge in holding examining courts; also power to issue subpoenas for witnesses and to order the marshal to summon juries, and to do other acts and things necessary and proper to carry into full and complete effect the powers and jurisdiction conferred on said judge and said court. Police judge.

§ 25. That the police court shall be held at such place as the board of trustees shall designate, or they failing to designate and provide a suitable place, at such place as the judge may select in said town. Time of holding police court.

§ 26. That said court shall be open at all times for the trial of criminal and penal cases within its jurisdiction; and the terms for the trial of civil causes shall be held monthly, on the first Thursday in each month, and when the business may require it, said court may adjourn from day to day until all the business before it is completed. Court open for trial of common and penal cases.

§ 27. That said court shall be a court of record, and the judge thereof shall act as clerk; and copies of the records of said court, over the signature of the judge, shall be evidence in any court in this Commonwealth. Court a court of record.

§ 28. That said court shall have power to punish contempt by fine or imprisonment, not exceeding ten dollars fine and twenty-four hours' imprisonment. Power of court.

§ 29. That all process from said police court shall be in the name of the Commonwealth of Kentucky, and may be directed to the marshal, or any constable, sheriff, jailer, coroner, or policeman; and the person executing the process of said court shall be entitled to the same fees for like services, and to the like remedies for the collection thereof, as constables and sheriffs of Process of court.

this Commonwealth, and be subject to the like fines and penalties for the like offenses and failures, recoverable in the same manner.

Fines and forfeitures.

§ 30. That all fines and forfeitures recovered in said court are hereby granted to said town, and shall be collected by the marshal or other officers to whom execution or *capias pro fine* is directed, and paid by him to the town treasurer; but before the issual of execution or other final process, the defendant may pay the fine or forfeiture to the judge of said court, who shall pay the same to the treasurer.

Defendant.

§ 31. That the defendant shall have the right to replevy for three months any judgment, fine or forfeiture of the police court, on execution or other final process thereon, or before the issual of same may replevy it before said judge by giving bond, with good security, in the same manner as allowed by law in similar cases within the jurisdiction of other courts of this Commonwealth.

Return of no property found.

§ 32. That a return of not found on a *capias pro fine*, and of no property found on a *feri facias* issued on any judgment of the police court, shall authorize an equitable proceeding in favor of the trustees of Morehead against the estate of the defendant or defendants, for the purpose of enforcing the satisfaction of said judgment, in the same manner that a retain of no property authorizes such proceeding in civil causes.

Judgments for fines.

§ 33. That upon all judgments for fines rendered by said court, and which shall not be paid, an execution against the estate of the defendant may be issued, or a *capias pro fine* may be issued, commanding the imprisonment of the defendant in the jail or work-house of the town or county until the same shall be paid; but the imprisonment shall not exceed one day for each dollar of such fine: *Provided*, That said court, in its discretion, may assign such defendant so fined to hard labor on the streets or alleys of said town, or on some public building in or belonging to said town, or at some other labor for the benefit of said town,

until he shall pay his said fine and the costs adjudged against him, allowing for his labor at the rate of one dollar per day. Such defendant shall not be required to labor more than eight hours in any one day, and when not at labor such defendant shall be confined as provided in this section. And for the purpose of putting him in jail or the work-house, and taking him out to labor, a certified copy of the order assigning him to work shall be sufficient authority to the marshal, jailer or keeper of the work-house. All persons sentenced to imprisonment by the judgment of said court may be assigned to labor in like manner as those fined. When persons imprisoned as contemplated in this section shall be confined in the county jail, the jailer's fees shall be paid by said town.

§ 34. That appeals shall be from the decisions and judgments of said police court to the Rowan circuit court, in criminal and penal cases, where the fine is twenty dollars or more, or the judgment is for imprisonment; but no judgment shall be suspended by such appeal unless the defendant, within five days after the rendition thereof, causes to be executed before the clerk of the court to which the appeal is taken a covenant, with good security, in all respects as required by section 364 of the Criminal Code of Practice; or in civil cases appeals shall be to the Rowan quarterly or circuit court, the same as appeals from judgments of justices of the peace to said courts.

§ 35. That the fees of the police judge, whether acting as judge or clerk, or otherwise, shall be the same in all cases as now or hereafter may be given by law to officers performing like services; and fees and costs shall be taxed in said court to the same extent, in the same way, and under the same regulations, as in other courts having similar jurisdiction.

General Powers and Duties of the Board of Trustees.

§ 36. That the board of trustees shall hold stated meetings, and the chairman, or, in his absence, the

Appeals from
decisions.

Fees of the police
judge.

Trustees hold
stated meetings.

town clerk, may call meetings, by notice (oral or written) to each of the members. A majority of the members elected as trustees shall constitute a quorum.

Publish ordinances and by-laws.

§ 37. That the board of trustees shall have power to make, ordain, and publish all such ordinances, by-laws, police and sanitary regulations, not contrary to the Constitution of this Commonwealth, for the good government of said town, and to promote the health, security, trade, and commerce thereof, and that may be necessary or expedient to carry into effect the powers vested in the board of trustees, or any officer of said town, by this act, and to amend or repeal the same, and to enforce the observance of all ordinances, by-laws and regulations, made in pursuance of this act, by penalties, not to exceed one hundred dollars' fine and fifty days' imprisonment, for any offense against the same.

Trustees have management and control of finances.

§ 38. That the board of trustees shall have the management and control of the finances, and all the property, real, personal and mixed, belonging to the corporation, and shall have power to provide for the erection, repair, maintenance and government of all public buildings for the town, and to provide for inclosing and improving all public grounds belonging to the town; and within the jurisdiction of said town shall have power, by ordinance or by law—

Prohibit gaming.

1. To restrain and prohibit all descriptions of gaming, fraudulent devices, playing at cards, dice, or other games of chance, whereat any thing of value is won or lost.

License billiard tables, etc.

2. To license, tax, regulate or prohibit billiard tables, pigeon-hole, Jenny Lind, and similar tables, pin-alleys, nine or ten-pin alleys, ball-alleys and shooting galleries.

Shows and circuses.

3. To license, tax, regulate or prohibit all concerts, exhibitions, shows, circuses, caravans, theatrical performances, and all other exhibitions and amusements.

Tumults and riots.

4. To prevent and suppress tumults, riots, routs and breaches of the peace, noises, disturbances or disorderly assemblages.

5. To restrain or suppress disorderly houses, gro- Restrain dis-
orderly houses.
ceries, saloons, halls and houses of ill fame.

6. To restrain, suppress and punish indecent, ob- Profane language
scene or profane language, conduct or exhibitions, and
restrain and punish vagrants and prostitutes.

7. To restrain, regulate or prohibit the running at Stock running at
large.
large of horses, swine and other animals, and author-
ize the distraining, impounding and sale of the same
for the penalty incurred and cost of proceedings, and
to impose penalties on the owner of any such animal
for a violation of any ordinance or by-law in relation
thereto.

8. To prohibit the running at large of dogs, and to Dogs running at
large.
authorize the destruction of the same when found at
large contrary to by-law or ordinance, and to impose
penalties on the owners thereof for permitting them
to run at large.

9. To appoint watchmen or policemen, and prescribe Watchmen.
their duties, powers and pay.

10. To establish and maintain a jail or watch-house, Jail.
a hospital or pest-house, an engine-house, work-house,
poor house, and market-house, and make rules and
regulations for the government thereof, and appoint
officers for the conduct and management of the same.

11. To authorize the clerk to grant and issue license, Clerk issue
license.
and direct the time and manner of issuing and regis-
tering thereof, and the fees to be paid therefor; but
no license shall be granted for more than one year,
and the fee for issuing the same shall not exceed fifty
cents.

12. To license, tax and regulate auction sales, ped- Peddlers, etc.
dlers, studs, bulls and jacks; to declare what are
nuisances, and provide for the abatement thereof,
and impose penalties for the creation or maintenance
of the same.

13. That the board of trustees of Morehead shall Trustees exclu-
sive power.
have exclusive power to grant all license for which
provision is made by this act; but such license shall
not excuse the person obtaining it from paying to the

State any tax, and procuring from the county court or clerk any license now required by law. The amount to be paid for any licenses authorized by this act shall be fixed by the board of trustees.

Donation.

14. To acquire, by donation or purchase, and receive conveyances for ground, either within or without the limits of said town, for a cemetery, not exceeding ten acres; for a poor-house and a pest-house, not exceeding one acre each.

Conveyances for town.

15. To make and receive all conveyances for said town; to take, receive and hold any estate, real, personal or mixed, for the use, benefit or ornament of said town, by purchase, devise or bequest.

Taxation.

Taxes.

§ 39. That said board shall have power, subject to the exceptions hereinafter mentioned, to annually levy and collect taxes, not exceeding thirty cents on each one hundred dollars' worth of all the property in said town, including every thing subject to taxation by the State for revenue purposes, except that part of the lands within said incorporation, which are used exclusively for farming lands, may, in the discretion of said trustees, be exempted from taxation. Said trustees shall also have power to levy a head or poll-tax upon every male inhabitant of said town, over the age of twenty-one years, of not exceeding two dollars per annum.

Public school property and churches.

§ 40. That there shall be exempt from taxation under this act all public property belonging to said town, the county of Rowan, the State of Kentucky, the United States, any church, college, school, seminary, and all grounds attached to and dedicated to the use of any such church, college, school or seminary, and any cemetery belonging to said town, and household and kitchen furniture belonging to a *bona fide* housekeeper with a family, not exceeding two hundred dollars in value.

§ 41. That all taxes and assessments levied or assessed by the board of trustees under this act shall be a lien upon the real and personal estate upon which the same may be imposed, voted or assessed, until the same is paid; and no sale or transfer of real estate shall affect the lien thereon. Taxes and assessment.

§ 42. That the right of redemption in all cases of sales of real estate for taxes or assessments shall exist to the owner or his heirs for the period of two years from the day of sale, on payment of the amount for which the same was sold, and thirty per cent. added, and all the taxes accruing subsequent to the sale; and if the owner, at the time of sale, be an infant, married woman, or person of unsound mind, said right to redeem shall exist for a like number of years after the removal of such disability. If not redeemed, the marshal shall, on presentation of the certificate of sale, execute a deed to the purchaser, conveying to him the real estate so sold and unredeemed as aforesaid. Right of redemption, costs of sales.

§ 43. That all fines and forfeitures, taxes and assessments, herein contemplated and provided for, shall be appropriated exclusively to the use and benefit of said town, in such manner as the board of trustees may direct. Fines and forfeitures

§ 44. That the clerk shall keep a record of all sales for taxes and assessments, which shall be open for inspection at all times. Clerk keep record of all sales

Streets, Alleys, Public Squares and Grounds, etc.

§ 45. That the board of trustees shall have authority and control over the streets, sidewalks, alleys, public squares and grounds now in said town, or which may be opened or laid out hereafter, with full power to grade, pave, gravel, construct, repair, protect and ornament the same, as they may deem most convenient and beneficial to said town, and by unanimous vote may close any alley in said town. They may direct the opening of new streets or alleys, or Streets, alleys, public squares and grounds.

the widening, straightening, altering or improving the same, in such manner as they may deem most beneficial to said town. But no street or alley shall be extended over the land of any person unless such land so to extend said street or alley shall have been purchased from, or donated by, the owner thereof for that purpose. They shall have power to purchase any lot or piece of ground for the use of said town necessary to straighten or extend the streets or alleys therein: and if they can not agree with the owner thereof, or for any cause can not procure the same by purchase, they may cause the same to be condemned for the use of said town under the writ of *ad quod damnum*, by appropriate legal proceedings in accordance with the law as laid down in the General Statutes, chapter 94, article 1, section 8 to 10, inclusive. And the county court shall, upon the application of the board of trustees, or of the proprietor of the land over which the street or alley is proposed to be extended, award a writ of *ad quod damnum*, and after the jury summoned in accordance with said writ shall have returned their inquest, said court shall render judgment in favor of the owner of said land for the amount found by the jury and the costs of the proceeding against the said board of trustees; and when said board shall have paid or caused to be paid to said owner the amount of his judgment, and the costs by him expended in said proceeding, the land so condemned shall stand for the use of said town for the purpose for which it was condemned.

§ 46. That the owners in front of or upon whose premises the board of trustees shall order and direct curbing or sidewalks to be constructed, repaired or relaid, shall make, repair or relay such curbing or sidewalks at their own cost and expense, and in the manner, with the material, and within the time prescribed by said board of trustees, by order or ordinance duly entered on their records; and if not done in the manner, with the material, and within the time prescribed,

the board of trustees may cause the same to be constructed, repaired or relaid, and assess the expense thereof, and collect the same by warrant and sale of the premises, as in the case of taxes. A suit may also be maintained by the board of trustees against such owner or owners for the expense of said improvements: *Provided*, That no person shall be required to make a sidewalk in front of his or her premises until the street in front of such premises has been graveled or macadamized at the expense of the town.

§ 47. That it shall be the duty of the board of trustees, at all times, to keep the streets, alleys, lanes, public squares and places in good order and condition; and for every other failure to do so, as well as for every other willful failure to efficiently exercise the powers herein conferred upon them to promote the good order, health, safety and prosperity of said town and its inhabitants, they shall, for each offense, upon indictment and conviction in the Rowan circuit court, forfeit and pay, for the use of said town, not less than twenty nor more than fifty dollars; and such fines shall be paid by the members out of their individual estates, share and share alike.

Streets and alleys kept clean.

General Provisions.

§ 48. That the property and citizens of said town shall be exempt from the operation of all road laws now or hereafter in force in Rowan county.

Road laws.

§ 49. The board of trustees shall appoint a superintendent of the streets and alleys of said town. Said superintendent shall be a sober, discreet person, well experienced in such matters; his duties shall be to watch over and see that the streets and alleys of said town are in good and safe condition, report any defects or breaks to the board, and repair or improve them as ordered by the board. They shall agree with him as to his wages, and may remove him at any time and put another in his stead. The marshal of the

Appoint town superintendents, define duties.

town shall be eligible to said position, and shall always have the preference in appointment when his qualifications are sufficient. Said commissioner or superintendent shall have power to call out all male citizens of said town who are by law required to work on the public roads in the county, to assist him in working the streets and alleys at any time he may deem it necessary; he shall superintend the work, and shall give them the same notice of the time of such work as is now required by the laws of the State to those required to work on the public roads. Should any person subject to work fail to do so when legally notified, he or they failing shall be subject to the same penalties now prescribed by the State laws for failure to work on the public roads, recoverable on warrant before the police judge; and when said fine is collected, it shall be paid into the treasury of the town as other fines. Should any person subject to work under this section prefer, when called out, to pay seventy-five cents per day in lieu thereof, he may deposit the same with the marshal or superintendent, and be relieved from such time; and said marshal or superintendent shall pay said sum of money to the treasurer and take his receipt therefor: *Provided*, That all persons required to work the streets under this section shall be exempt from working on the public roads of the county outside of the corporate limits of said town.

§ 50. That the board of trustees of said town shall
Deputy marshal. have power to appoint a deputy marshal, who shall have the same powers, execute bond in like manner, and be subject to the same penalties, and be liable to be proceeded against for any failure in office in the same manner as the marshal would be for such failure; and said trustees shall have power, provided they may deem it for the best interests of said town, at any time to remove said deputy marshal, and appoint another in his stead, if in their judgment the interests of said town require it.

§ 51. That the present officers of said town shall

continue to hold and exercise the duties thereof, ^{as Present officers of town.} herein provided and required, until their successors are elected and qualified as required by this act.

§ 52. The jail of Rowan county shall be used as a ^{Jailer.} town prison, and the jailer thereof shall be the keeper; his fees shall be the same as now provided by law for similar service, and the same shall be payable out of the town treasury.

§ 53. That this act shall be in force from and after its passage.

Approved April 10, 1888.

CHAPTER 940.

AN ACT for the benefit of John W. Coffey, sheriff of Russell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John W. Coffey, sheriff of Russell county, shall have till the third Monday in April, 1888, to make his revenue bond to the Commonwealth, the bond to have the same effect as if executed within the time now required by law.

§ 2. This act to take effect from its passage.

Approved April 11, 1888.

CHAPTER 941.

AN ACT to incorporate the Hanson Graded School.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there be established in the town of Han- ^{Establishing and boundary.} son, in the county of Hopkins, and State of Kentucky, a graded school to be known as "The Hanson Graded School," with Hanson near the center of a district, to be bounded as follows, viz: Beginning

with the farm owned by J. S. and E. F. Waller, one mile north-west north of Hanson; thence running south-west, including Thos. M. Jones, Jas. P. Brown and Esquire J. W. Brown; thence south, including Sam'l and Henry Adams; thence east, including the farm of J. S. Waller (known as the Ward place) and that part of Gid. Ruall's farm known as the Annie Stodghill place, John and Isaac Stodghill, and Esquire E. W. Orton's farm; thence north, including Mrs. Bethia Nance, Mrs. Nolie Haywood, Thomas Brooks and Wm. Rickard; thence west, including Rob't Brooks, and Dan'l Rudd, and back to beginning at the J. S. and E. F. Waller farm. Said district to include farms and other property owned or occupied by parties named, and all other persons and property within boundary described. The boundary herein stated shall not be changed but by a special act of the General Assembly of the State of Kentucky, and then only by a petition of two-thirds of the legal white voters of the district.

Persons eligible
to admission.

§ 2. The same persons in said district to be admitted free in said school as are by law admitted to common schools for white children in this State; and such other white persons may be admitted by the trustees, and upon such terms as they may prescribe.

Trustees.

§ 3. There shall be five trustees in said district, one to be elected every year, except as hereinafter provided, and to hold his office for five years; to have the same qualifications as common school trustees, and to be elected by the persons in said district having the qualifications of electors under the common school law; to be elected on the same day set apart by the common school law for election of trustees. The election to be held at the school-house, and by such persons as may be appointed by the county court.

Corporate
powers of
trustees.

§ 4. Said trustees shall be a body-corporate, with power to contract, sue and be sued as trustees of "The Hanson Graded School." Before entering upon their duties they shall take an oath to faithfully dis-

charge their duties as trustees ; all their contracts must be made in writing, signed by the chairman, who shall be the trustee having the shortest term to serve. In the event of a vacancy, the board of trustees may appoint a trustee till the next regular election, when the vacancy shall be then filled by election.

§ 5. The trustees shall have power to employ teachers and dismiss them for cause, and to prescribe the text-books to be used, the same to be continued for five consecutive years from the time of their adoption ; but the power to grade said school, and to decide who shall enter every grade, shall be vested in the principal or superintendent of the school. The trustees shall keep a minute of all the proceedings to be signed by the chairman and secretary, which shall be open to inspection at all times ; they shall appoint a treasurer, who shall receive and pay out all money, and give and take receipts for the same ; and who shall, before entering upon his duties, execute bond, with sureties to be approved by the board of trustees. Upon this bond he and his sureties shall be liable for all money received and not properly paid out.

Powers of trustees as to teachers, etc.

§ 6. The trustees shall have power to sell and convey the site and building now used for school purposes to the highest bidder, within sixty (60) days from and after the ratification of this charter by the people, and apply the proceeds thereof to the erection of a new building upon a site purchased by the board of trustees ; also, they shall have power to purchase a suitable site in or near the town of Hanson, and erect thereon a school building, and provide furniture for same, and to fence or inclose said lot or site and other needed improvements ; the cost not to exceed two thousand dollars for site, building, furniture, etc. The trustees shall in no way encumber said lot or building, nor shall any mechanic or material-man hold any lien on said building or lot for any material furnished or work performed, but the trus-

Site and building.

tees may, in advance, pledge the funds hereinafter set apart to mechanics or material-men, or to other persons, for money with which to purchase said lot and to erect said building, etc., but shall not pledge them for money at a higher rate of interest than six (6) per cent. per annum.

Per capita.

§ 7. Upon the trustees complying with the law as required of common school trustees, they shall be entitled to said district's *per capita* of common school fund. The said trustees are empowered by this act to levy upon every white male inhabitant residing in said district a poll-tax of not less than two (2) nor more than four (4) dollars in each year; also to levy an ad valorem tax not to exceed fifty (50) cents on the one hundred dollars' worth of all the real estate and personal property in said district, and money and choses in action in said district owned by resident white persons of said district, all of which is hereby set apart as a school fund and to be used for no other purpose.

Assessor.

§ 8. The board of trustees shall appoint an assessor to assess said property and polls, and agree with him as to his compensation. He shall be sworn to faithfully perform his duties before entering upon them. The trustees shall have power to review his list and equalize the tax. If a person fails to list his property or poll, the assessor shall do so for him. The assessment shall be made at any time after the 15th day of September of every year, and shall relate and be as if made on that day, except if persons move into said district after that day, and desire to send children to school, they may do so, and have the option of entering on the same terms as persons outside of the district, or to be listed and pay as from and in proportion to the time of entering children in school.

Assessors returns
and list of county
clerk.

§ 9. After the assessor has returned his list, and the same has been examined and approved by the board of trustees, the chairman shall file the same with the county court clerk, who shall preserve the same as a

public record ; and at the same time he makes out and delivers the county levy and lists to the sheriff, he shall also make out and deliver this list to the same officer, who shall collect the tax laid by said trustees on property in said district, and pay it to the treasurer of the board of trustees at the same time and manner, and under the same responsibility as to him and his sureties, as if it were a part of the county levy, and shall have all the power to distrain and sell as sheriffs have when persons fail to pay State revenue or taxes, and shall have the same compensation.

§ 10. For the years 1888, 1889, 1890, 1891 and 1892 Levy of tax. there shall be, and is hereby levied, an additional tax on the property mentioned in section 7, not to exceed fifty (50) cents on the one hundred dollars' worth of same, which shall be collected in the same manner and time, by the sheriff of Hopkins county, and paid to the treasurer of said board of trustees, which shall be devoted exclusively to the erection of suitable school buildings, etc.; and the tuition collected from day pupils, except that provided in section 15, that may be admitted by the board during the current sessions of 1888-9, 1889-90, 1890-1 and 1891-2, shall be applied in the same manner; and said school property shall be exempt from taxation for State, county, or town purposes.

§ 11. This act shall become a law in full force and effect from and after its passage by the General Assembly of the State of Kentucky; but before the trustees of the district shall exercise any of the powers thereby conferred, it must be ratified or adopted by a majority of the legal white voters of the district herein stated and described. The officers holding the election shall certify the result; and if a majority voted for its adoption, the act shall be entered in full upon the order-book of the Hopkins county court, and certified copies from said record shall be evidence of its adoption and approval by the people. The trustees of said school district shall not levy any of the Submission of question to people.

taxes in this act provided for until the question of their power to do so shall have been submitted by the county court to the resident white tax-payers of said district; and if a majority of said tax-payers voting shall vote in favor of the levying of said taxes, then it shall be the duty of said board of trustees to levy the same, and exercise all the powers in this act conferred upon them. The officers conducting the election to obtain the sense of said tax-payers on the subject of levying said taxes shall certify the result to the judge of the Hopkins county court, and return the poll-books to the clerk of the Hopkins county court; and the said judge and clerk shall compare the vote, and if it appear that a majority of the votes cast were in favor of the levying of said tax and conferring the power of levying same on the said board of trustees, the said judge and clerk shall so certify, and cause their certificates to be put to record in the Hopkins county court clerk's office.

Officers of
election.

§ 12. The county court shall appoint all officers to conduct all elections to be held under this act, and said persons shall act under the same responsibilities as officers of county elections, and shall make their returns to the officers as provided in section 11.

Number of
trustees and how
selected.

§ 13. There shall be five trustees, who shall be selected in the following manner, viz: The two trustees who would be incumbents of the office of common school trustee after June, 1888, shall hold the short terms of one and two years, and the same trustee that will be chairman of the board of common school trustees shall be chairman of this board, and the other trustee shall continue in office for two years; and three persons elected by the voters of the district at the election of June, 1888, shall hold terms of three, four and five years, the length of the term of each to be settled by lot, and till the time for election of common school trustee, when the successor to the trustee holding shortest term shall be elected as provided in section 3.

§ 14. This act does not apply to colored persons Colored persons, not to apply to. nor their property, but to white persons only. To adopt or ratify this act, or at any subsequent election provided for in this act, all white persons in said district who could vote for a justice of the peace, if this were a justices' district, may vote, and all widows who own property and have children within the school age may also vote, in person or by written proxy, and a majority of those voting shall determine the result.

§ 15. The expense of all elections under this act Expense of elections. shall be paid by the trustees, and they may also agree with the treasurer for his compensation. They shall have control of the school property, and shall keep the same insured and in repair with funds received from scholars not residing in the district.

§ 16. In the event that the people of the district do not adopt or ratify this act at the election June, 1888, May be resubmitted to people. the act may be resubmitted to the district by a petition from (15) fifteen legal voters to the judge of the county court, who shall, within ten days thereafter, direct the chairman of the board of trustees to post three notices in prominent places in the district, at least fifteen days before the time of holding said election, which shall be within sixty days after the receipt of petition. When ratified by the people at any election subsequent to June, 1888, the dates provided in sections 10 and 13 shall be so changed as to suit, in their relation, the date of the adoption of this act.

§ 17. The election to ascertain the sense of the voters of said district on the question of the adoption of this act shall be held on the ——— of June, 1888, and the county judge shall appoint clerk and sheriff to hold said election. Time of holding election.

§ 18. This act shall take effect and be in force from and after its passage.

Approved April 10, 1888.

CHAPTER 942.

AN ACT to incorporate the Cloverport Mining and Improvement Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That William H. Bowmer, Frank Fraize, A. B. Skillman, John Allen Murray, John T. Davis, S. P. Myer, C. W. Moorman and R. R. Pierce, and their associates, successors and assigns, be, and they are hereby, constituted a body-corporate and politic, under the name and style of the Cloverport Mining and Improvement Company.

§ 2. Said company may, under its corporate name, make and use a corporate seal, which it may alter or change at pleasure; may sue and be sued, contract and be contracted with, plead and be impleaded, and may make by-laws, rules and regulations, consistent with the existing laws of this State, for the government and prosecution of its business and the management and control of its affairs.

§ 3. The capital stock of said company may be any amount not exceeding five hundred thousand dollars, and be divided into shares of one hundred dollars each; and the directors of said company may receive real or personal property in payment for subscription to the capital stock of said corporation, upon such terms and conditions and upon such valuation as may be agreed upon by its directors, or a majority of them, and the subscribers respectively.

§ 4. Said company shall have power to, and may acquire, purchase, hold, grant, sell, convey, mortgage, lease, rent, use and dispose of any real or personal estate, stocks, bonds, choses in action, or other securities in this State or elsewhere; and may engage in mining, transporting and selling coal, and in mining, transporting and selling other minerals and ores, and timber and lumber, and do all other acts that may be

needful and proper for the successful and proper prosecution of its business; and for the execution of such powers said company may erect and build, or purchase such buildings, mills, furnaces, engines and machinery and fixtures, as may be deemed necessary and proper.

§ 5. Said company shall have power to, and may contract for and build, construct, equip, furnish and operate, or may aid in building, constructing, equipping, furnishing and operating railroads, bridges, telegraph lines, and all buildings, erections and machinery necessary or appurtenant thereto in this State; and may also construct, operate or maintain other works of public or private improvement in this State; and to this end may acquire the franchises and contract with any person or persons, corporation or corporations, having the power to build or construct or operate railroads, bridges, telegraph lines or other public improvements; and may receive in payment therefor cash, money, promissory notes, bonds, with or without coupons, stocks or other securities issued by individuals or corporations, or any government, State, county, town, city or district; and may sell, negotiate and pledge the same at such rates of premium or discount as may be deemed best by said corporation: *Provided*, Said company may not own such railroads or public improvements.

Character of
business con-
tinued.

§ 6. The persons named in the first section of this act shall constitute the first board of directors of said corporation, and may continue in office until the first meeting of the stockholders thereof. At such first meeting, and at every annual meeting thereafter, the stockholders of said corporation shall elect seven directors, who shall continue in office for one year, or until their successors are elected and qualified. No one shall be elected a director unless he is the holder of stock in his own right at the time of his election. Any vacancies occurring in the board shall be filled by the board choosing a qualified person to fill same.

Directors.

Qualification of
directors.

Vacancy.

Quorum. A majority of said board, or of the corporators herein named, shall constitute a quorum for the transaction of business.

Officers. § 7. The board of directors shall appoint one of their number president, who shall be chairman of said board and president of said corporation; and the said board shall have power to appoint a secretary, and also such other officers and agents of said corporation as they may from time to time deem necessary, who shall hold their places during the pleasure of said board, and fix such compensation as the said board may deem just, and shall prescribe and take from them such bonds, with surety, as they deem advisable.

Compensation. § 8. The stock of said company shall be deemed **Stock personal property.** personal property, and certificates thereof, signed by the president and secretary of said corporation, shall be issued, and shall be assignable and transferable on the books of said corporation in such manner as the by-laws and regulations thereof shall prescribe.

General office. § 9. The general office of said company shall be located in the city of Cloverport, Kentucky, and all elections for directors shall be held in said city.

Liabilities of stockholders. § 10. The stockholders of said company shall not be or made individually liable for the debts or liabilities of said corporation in excess of his subscription.

Borrow money. § 11. That it shall be lawful for the president and directors of said company, from time to time, to borrow or obtain on loans such sums of money, on such terms as they may deem expedient, for the use of said company, and to pledge or mortgage all or any part of the estates, improvements, privileges and assets of the said company for the payment of such sums of money so borrowed, for such length of time as may be agreed upon.

Mortgage. § 12. Each share of stock shall entitle its owner to one vote in all stockholders' meetings, either in person or by proxy.

§ 13. The said company shall have power, and is

hereby authorized, to erect and maintain railways upon its own account, to and from any of its mines, as provided for under sections 45 and 46 of chapter 94 of the General Statutes, entitled "Roads and Passways."

§ 14. The said company shall begin operations under the privileges herein granted within three years from the passage of this act, or the same shall be forfeited.

§ 15. This act shall take effect and be in force from its passage.

Approved April 10, 1888.

CHAPTER 943.

AN ACT to incorporate the Cloverport and Fordsville Railway Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That John T. Smith, M. Terney, A. B. Skillman, H. A. Oeza, C. W. Moorman, A. J. Gross, W. H. Bowmer and Frank Fraize, and associates, successors and assigns, be, and they are hereby, created a body-politic and corporate, by the name of the Cloverport and Fordsville Railway Company, and by that name shall have perpetual succession, and be capable of suing and being sued, pleading and being impleaded, defending and being defended, in law and equity, in all courts and elsewhere, in like manner and as fully as natural persons may be; and said corporation may have and use a common seal, and set aside, renew, or alter the same at pleasure; and by said corporate name may contract and be contracted with; and by that name shall be, and are hereby, invested with all the powers, privileges, immunities and franchises of natural persons.

§ 2. The capital stock of said company may be any amount, not exceeding thirty thousand dollars per

Shares, value. mile, for each mile of railroad which said company shall build or own, divided into shares of one hundred dollars each, and may be subscribed for, purchased, owned and controlled by individuals in and out of this State, and railroad company and other corporations in Kentucky or elsewhere.

First board of directors. § 3. The incorporators named in the first section, or such of them as may act, shall constitute the first board of directors of said company, and may serve as such until their successors are duly elected and qualified. The said incorporators, or a majority of them, shall meet at such time and places as they may agree upon and designate, and from their own number, or such persons as they may associate with themselves, choose a president, and appoint such other officers and agents as may be necessary. They shall have power to adopt such by-laws for the government of the company, its officers, agents and employes, in the general conduct and management of the affairs and business of the company, as may be needful and proper, and alter, amend or repeal the same at will.

President.

Principal office. § 4. The general office of this company shall be located in Cloverport, Kentucky: *Provided*, The board of directors may change the locations thereof when they deem proper. The directors shall have power and authority to locate and establish branch officers or agencies at such other place or places as may, in their judgment, be found necessary.

May establish branch offices.

Annual election directors. § 5. That the incorporators, or first board of directors, shall provide in the by-laws for an annual election of directors, consisting of seven in number, who shall be stockholders of said company, and fix the time and place, and determine the manner, of the first and succeeding elections of directors. The directors succeeding the first board shall severally hold their offices for one year, and until their successors are elected and qualified; each board of directors may fill any vacancy occurring in their number, and shall choose from their own number a president. It shall

Terms.

require a majority, including the president, to constitute a quorum of the board of directors for the transaction of business.

§ 6. At the election of directors, and all other meetings of stockholders in said company, stockholders shall be entitled to one vote for each share of stock so held, which may be cast in person or by written proxy. Provision shall be made in the by-laws for annual meetings of the stockholders, and such called meetings as are necessary. Each share one vote.

§ 7. The president and directors shall have the management and control of the property, business and affairs of the company; may appoint all such officers, agents and employes as are necessary, prescribe their duties and compensations, and take from any one of them bond, with security, for the faithful performance of his duties. General control.

§ 8. It shall be lawful for the president and directors of said company to open stock-books for subscription to the capital stock, at such times and places, and continue them open for such length of time, as may be deemed necessary. The capital stock of said company is hereby declared to be personal property, and may be issued, certified, transferred and registered in such manner and at such places as may be ordered and provided by the by-laws of said company. Open books.
Stock personal property.
How certified, transferred, etc.

§ 9. It shall be lawful for said company, through its president and directors, to accept and receive contracts for donations, to be due and payable when said road shall have been completed that cars may run thereon; and said company shall open a book in which they shall keep a faithful registration of all donations and contract for donations made to said company; and when said conditions have been complied with by said company or their assigns, they or their assigns may enforce the payment of any promised donations in such courts, and by such proceedings as now provided for collections of promissory notes. May receive contracts for donations.

§ 10. The said Cloverport and Fordsville Railway

Nature of business.

Company shall be, and are hereby, authorized and empowered to locate, construct, build and complete a railroad, with such a number of tracks and lines of telegraph as said corporation may desire, and for that purpose shall be entitled to acquire title to a continuous line of sixty feet in width of land, with such additional ground as may be necessary for the use of said railroad, from Cloverport, Kentucky, through or near Victoria, Kentucky, to the town of Fordsville, Kentucky, or some point in Ohio county in its vicinity, and to construct, build and furnish said railroad with all necessary side-tracks, turn-outs, switches, depots, stations, and all necessary buildings, erections and structures for the convenient working of said railroad and carrying on its business, and with all the rolling stock of every sort and kind, and all other machinery, implements and property the company deem necessary and proper for the proper prosecution of its business; and said company shall have power to operate and maintain the same; and for said purpose said company, in its corporate capacity, is hereby vested with all powers necessary to purchasing, acquiring title to, holding, selling and conveying and transferring all real, personal and mixed property said company may deem necessary to carrying out the object of this act, to the same extent as any natural person or persons, or any other corporations, may exercise such right of acquisition, holding and disposing of his, their or its property, not inconsistent with the laws of this Commonwealth.

Examinations and surveys of routes.

§ 11. Said corporation is hereby authorized by its agents, surveyors and engineers to cause such examinations and surveys of the different routes as are necessary to determine which is the most suitable for the construction of said railroad; and it shall be lawful for said company to enter upon, take possession of, and use all such real estate as may be necessary for the construction, operation and maintenance of said railroad, its depots, side-tracks, water stations, engine

houses, machine shops, and other buildings and appendages necessary for the use of said railroad; and said corporation may also take and use any earth, timber, gravel, stone or other materials needed for the construction, maintenance and repairs of said railroad, and its appendages and works; and may, by its authorized agents, agree with the owners of the land, earth, timber, gravel, stone, or other materials wanted, for the purchase of the whole or the use and occupation of the real estate, the owners being competent to contract; but if the owners, being competent, refuse to contract, or any of them *femes covert* or minors or *non compos*, or out of the county in which the property wanted is situated, then such lands and materials may be condemned as now provided by law.

§ 12. That said company shall have power to purchase and hold any other road in this State, or to May purchase and hold other roads. sell or lease said road to, or consolidate itself with, May consolidate. any other railroad company in or out of this State, upon such terms and conditions as may be agreed upon between it and the other company or companies, so as to make continuous lines under one management from two or more certain termini; and may establish Change name. and take a suitable and proper name, to be approved of by the consolidating companies; and may lease and operate any railroad connection with it upon such terms as may be agreed upon, and for that purpose full power is hereby given said company to make and execute any and all such contracts as may be necessary to carry into effect any agreement for the purchase and sale or leasing of any such road, or for the consolidation, sale or lease of its road and franchises.

§ 13. That said company is hereby authorized to Borrow money. borrow money to complete, equip, furnish, operate or maintain its said railroad, and issue bonds at a rate of Issue bonds. interest not exceeding six per centum per annum, with such time to run as it may deem proper; and negotiate and dispose of the same as it may deem proper; and Mortgage property. to mortgage its corporate property and franchises to

secure the same; but it shall not be lawful for said company to issue, discount or dispose of a greater amount of bonds at their face value than thirty thousand dollars per mile of its contemplated road.

Limitation bonds

§ 14. That copies from the minutes of proceeding of the board of directors of said company, certified by the secretary, and copies of the by-laws adopted by the board when so certified, shall be received in all tribunals in this State as evidence as fully and to the same extent as would be the books of the company.

Hold real estate by purchase or condemnation.

§ 15. That it shall be lawful for said company to acquire and hold, by donation, purchase or by condemnation, as provided for by the laws of this Commonwealth, such lands and real estate as may be necessary for depot grounds, round-houses, machine shops, and such other purposes only as may be needful or desirable for successfully and conveniently operating such railroad or railroads for the transportation of freight and passengers and conducting its affairs.

§ 16. That it shall be lawful for said company to receive, lease, purchase, or otherwise acquire, hold, use, and enjoy all such real estate and personal property, or mixed property, as may be convenient and desirable for constructing, operating or equipping said railroad, and a line of telegraph along the same, or which may be conveyed to it in payment of stock subscription, or which may be purchased by it, and may bargain, sell or convey as a natural person.

May make contracts for construction.

§ 17. That said company may make contracts with any corporation or person for constructing or equipping said road or any part of the same, and pay therefor, in whole or in part, in the stock, bonds or other property of said company.

Cities and towns grant right of way.

§ 18. That it shall be lawful for the corporate authorities of any incorporated town or city into or through which said railroad may be located, to grant to said company the right of way into or through

said town or city to construct its said railroad on, over, upon, or any public street in such city or town, such grant of the right of way to be made upon such terms and conditions as may be agreed upon between said company and corporate authorities of such city or town. If they cannot agree, the company may have the right of way condemned, as provided by law in regard to the private property.

§ 19. That the board of directors and officers of Tolls. said company shall have the power to establish such rates of tolls for the conveyance of persons and property on the said railroad as it may deem proper, but not, however, to exceed the rates charged by other similar roads for like services, nor as now or may be provided by law.

§ 20. That the subscription of stock shall be paid Subscription to stock, how paid. in such installments and at such time as may be directed by the board of directors of said company: *Provided*, That no payment shall be demanded until at least thirty days' notice of such demand shall have been given by said board of directors by printed handbills posted up at the court-house door and five other public places in each county into which said railroad runs; and if any subscriber shall fail or refuse to pay any installments or part of said subscription demanded according to the provisions of this section, the same may be recovered in an action in the name of said corporation against such defaulting subscriber in any court having jurisdiction of the amount to be recovered, and in all such actions publication as directed in this section shall be the only demand necessary to be provided: *And provided further*, It shall be lawful to receive subscriptions to the capital stock of said company, payable in such work in construction of said road or property as may be accepted by the company: *Provided*, That no subscription to the capital stock of said company, or donation made thereto, shall be

binding unless the work upon said road shall be commenced within three years from the passage and approval of this act.

§ 21. That this charter be forfeited unless work shall commence on said road within three years from the passage of this act, and the same be prosecuted in good faith to completion; but the time of its completion shall not be extended beyond a period of seven years.

§ 22. That said company may extend said road from or near Fordsville to any point in Ohio county in the direction of Hartford; and may also build branches from its main line and branches from its branches, so as to reach, develop and transport the coal, mineral or other products of the country at any point in Ohio or Breckinridge counties.

§ 23. This act shall take effect and be in force from and after its passage.

Approved April 10, 1888.

CHAPTER 944.

AN ACT to allow clerks of the county courts of this Commonwealth to employ ladies as deputies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court clerks of this Commonwealth be invested with authority to appoint and duly qualify unmarried women as deputy clerks of the county courts: *Provided*, Such persons be over the age of sixteen years old.

§ 2. This act shall take effect from and after its passage, and shall apply only to the county of Henderson.

Approved April 10, 1888.

CHAPTER 946.

AN ACT to amend the charter of the Northern Bank of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Northern Bank of Kentucky, at Lexington, in its corporate capacity, is hereby authorized and empowered to construct and erect houses and buildings for the use of said bank, or to rent, upon any vacant property in the city of Lexington now owned by said bank, and adjoining its present banking house; but such house or houses shall be subject to taxation, State, county, municipal and otherwise, as other real estate.

§ 2. That at all meetings of the stockholders, and at all elections by them, each and every stockholder shall be entitled to cast one vote for each share of stock held in their own right, either in person or by proxy, as now provided in said charter; but any stockholder who is not a citizen of the United States shall not be entitled to vote on his stock.

§ 3. Any part of the charter of said bank in conflict with, or coming within the purview of, this amendment, are hereby repealed.

§ 4. That an act, entitled "An act to amend the charter of the Northern Bank of Kentucky," approved February 16, 1888, be, and the same is hereby, repealed.

§ 5. This act shall take effect and be in force from and after its passage.

Approved April 10, 1888.

CHAPTER 947.

AN ACT to amend an act to incorporate the Bank of Allen—
approved February 24, 1868.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of section second (2d) of said act as requires the directors of said bank to hold at least fifteen shares of stock, and to have held the same at least six months before their election, is hereby stricken out, and insert in lieu thereof that they are only required to be the owner of one share of stock at the time of their election.

§ 2. Amend the third (3d) section of said act by striking out the names of the incorporators, and insert in lieu thereof the following names: C. E. Had-dox, John Adams, Jas. B. Small, A. C. Hogan, B. D. Johnson, Frank Walton and N. B. Riley, and strike out of the seventh line of said section the following words: "One-half or more," and insert in lieu thereof "ten thousand dollars," and add to said section the following: "That each stockholder shall be entitled to one vote in all elections under said charter for each share of stock owned by him, to be cast in person or by proxy, by authority given in writing.

§ 3. This to take effect from and after its passage.

Approved April 10, 1868.

CHAPTER 948.

AN ACT for the benefit of W. B. Foster, of Allen county.

WHEREAS, On the twenty-first day of February, 1885, W. B. Foster, Charles Foster, and S. L. Foster, of Allen county, distillers, having the right to sell spirits of their own manufacture, did pay to the Commonwealth of Kentucky, for tax on license, the sum

of one hundred dollars through mistake and under a misapprehension of the law on the subject; and whereas, they now claim and ask that said sum be refunded to them; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor be, and he is hereby, directed to draw his warrant upon the Treasurer for the sum of one hundred dollars, in favor of W. B. Foster, of Allen county, in full satisfaction of said claim, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall take effect from its passage.

Approved April 10, 1888.

CHAPTER 949.

AN ACT for the benefit of W. A. Butt, of Simpson county.

WHEREAS, W. A. Butt, a resident of Simpson county, owned lands in Allen county, and who had a father living in Allen county also owning lands therein; and whereas, the sheriff of Allen county made out tax receipts against the said W. A. Butt for revenue for various years to the amount of eight dollars and fifty cents; and whereas, in fact the receipts were against the estate of said W. A. Butt's father; and whereas, by mistake the said receipts were made out against said and paid by the said W. A. Butt; and whereas, the mistake was not discovered in time to correct it before the county court; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant upon the Treasurer for the sum of eight dollars and fifty cents in favor of W. A. Butt; and the Treasurer is directed

to pay the same out of any money in the Treasury not otherwise appropriated.

§ 2. That this act shall take effect and be in force from its passage.

Approved April 10, 1886.

CHAPTER 951.

AN ACT for police regulations at Crittenden Springs.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the county court for Crittenden county, upon the application of the board of directors of the Crittenden Sulphur Springs Company, shall appoint one or more persons to act as policemen at the Crittenden Sulphur Springs, in Crittenden county.

§ 2. That said policemen shall have power and authority to preserve order and arrest any one for drunkenness, disorderly conduct, and all other violations of the laws of this Commonwealth while at said springs; and shall be clothed with all the authority of a peace officer of this Commonwealth in regard to offenses committed at said springs.

§ 3. All persons arrested by the policemen at said springs shall be turned over to the civil authorities of the county to be tried by them, in the same manner as if they had been arrested by any other peace officer of this Commonwealth.

§ 4. Before said policemen shall act as such, they are required to take the oath for the faithful performance of their duties required by law of the constables of this Commonwealth.

§ 5. This act shall take effect from and after its passage.

Approved April 10, 1888.

CHAPTER 952.

AN ACT to amend an act to reduce into one the several acts in regard to the town of Lancaster, approved March 9, 1867.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 19 of said act be amended as follows: That all persons or persons failing to pay their taxes due the town of Lancaster, Kentucky, by the first day of October, after the tax books have been placed in the hands of the collector, shall pay six per cent. additional on the tax so due and unpaid, and the collector shall account for same in his settlement with the board of trustees of the town of Lancaster, and shall be responsible upon his bond for same. And that section twenty of said act be amended by striking out the words two hundred dollars and inserting in their stead the words four hundred dollars.

§ 2. That this act take effect from its passage.

Approved April 10, 1888.

CHAPTER 956.

AN ACT to amend the charter of the town of Upton.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the police judge of the town of Upton, if satisfied that a public offense or a violation of an ordinance of said town has been committed, shall have power to summon before him any persons he may think proper for examination on oath concerning it, to enable him to ascertain the offender, and to issue a warrant for his arrest.

§ 2. This act shall take effect from its passage.

Approved April 10, 1888.

CHAPTER 957.

AN ACT to incorporate the Farmers' Bank of Mt. Pleasant.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Corporate name and powers. § 1. That there is hereby created and established, in the town of Mt. Pleasant, a savings and deposit institution, which shall be a body-politic and corporate, by the name and style of the Farmers' Bank of Mt. Pleasant; and shall have power and authority in that name to contract and be contracted with, sue and be sued, plead and be impleaded, answer and defend, in all courts and places as a natural person; and may have and use a common seal, and alter and change the same at will; and shall have all other rights and powers usual and incident to bank corporations.

Directors. § 2. The property, business and affairs of said bank shall be under the control and management and government of a board of directors, to consist of not less than five nor more than fifteen persons, as the by-laws may, from time to time, prescribe and regulate, one of whom shall be elected president of the bank; and Jos. Kelley, John S. Bailey, Floyd Hall, George Skidmore, J. M. Unthank, are hereby constituted and appointed a board of directors for said bank, to serve as such until others are duly elected and qualified; and they may elect other persons whom they may think proper, not exceeding the limit above specified, to serve with them as directors; and should any of the persons above named fail or refuse to qualify and serve as a director, his or their places may be deemed and treated as vacant, and the vacancy or vacancies may be filled by the remainder; and all vacancies occurring in the board of directors may be filled by the other directors; and the board of directors shall provide for an election of directors by the stockholders within one year from the organization of the company, and biennially thereafter; and all elections of directors by

President.
First board of directors.

Vacancy.

Election for directors.

the stockholders shall be held at the place of business of the bank, and notice of which shall be given in at least one newspaper published weekly in the town of Mt. Pleasant or the city of Pineville, for thirty days preceding each election; and such election shall be held under the inspection of two or more persons, to be appointed by the board of directors, who shall certify the result under their respective signatures; and a plurality of votes cast shall elect, and each stockholder shall be entitled to one vote for each share of stock which he or she may own, and may cast the same in person or by proxy; and the board of directors may provide a form for the appointment of proxies, and specify the evidence that shall be required in the execution thereof.

§ 3. The capital stock of said bank shall consist of five hundred shares of the par value of one hundred dollars each, but may be increased from time to time as the board of directors may deem advisable to any number not exceeding two thousand shares of the same value; and the persons named in the second section of this act may open books for and receive subscriptions to the capital stock of said bank at such times and places, and subject to such terms and conditions, as they may deem proper; and whenever as many as two hundred or more shares of the capital stock of said bank has been subscribed and paid in, or secured to be paid in, in accordance with the terms and conditions upon which the same were subscribed, and affidavit to that effect has been made by its president and cashier before the clerk of the Harlan county court, said bank may proceed to transact a general banking and financial business; and may lend money, discount promissory notes, buy and sell exchange, stocks, bonds and securities.

§ 4. The said bank shall have power to make advances on approved securities of any kind, and it may receive stocks, bonds and other things in pledge for the security of money loaned or debts owing.

Said bank may receive deposits of gold, silver, bank notes, United States Treasury notes and other currency, and pay the same in kind or as may be agreed upon by general or special contract; and may allow interest on deposits, not to exceed the rates allowed by the laws of the Commonwealth. It may issue certificates of credit, payable throughout the United States and elsewhere, for the convenience of merchants and travelers, but shall not issue any notes or bills to circulate as money.

Hold real and
personal estate.

§ 5. The said bank may acquire and hold, possess, use, occupy and enjoy all such real estate and personal property, goods, chattels and other things, as may be necessary for the transaction of its business, or which may be pledged or conveyed to it as security for any debt, or purchased in satisfaction of any debt, judgment or decree, and sell and convey or otherwise dispose of the same as a natural person; but no real estate purchased by it in satisfaction of any debt, judgment or decree shall be held by it for a longer period than five years.

Quorum.

Officers.

Compensation.

§ 6. The board of directors of said bank are hereby authorized and empowered to enact and put in force such rules, by-laws and regulations, for the management, government and control of its property, business and affairs, as they may deem expedient: *Provided*, The same not inconsistent with the Constitution or laws of this State or the United States, and alter and amend and repeal the same at will; and shall specify therein the number of directors necessary to constitute a quorum for the transaction of business; they may appoint such officers, agents and servants as they may deem necessary to conduct the business of the bank, and pay them such sums for their services, and take from them bonds in such penalties to secure the faithful performance of their respective duties, as they may think reasonable and proper; and upon any bond thus taken recovery may be had for breaches of the conditions thereof. The

stock of this bank shall be deemed personal property, and shall be only assignable in accordance with such rules as the board of directors shall from time to time prescribe; and said bank shall hold a lien on the shares of any stockholder who may be indebted to it for the payment of any balance owing on said stock and not otherwise; and such shares shall not be assignable nor transferred until the said debt shall be paid or discharged.

§ 7. This act shall take effect from its passage, and remain in force thirty years from the first organization of said institution: *Provided*, It is organized within five years from the passage of this act.

Approved April 10, 1888.

CHAPTER 958.

AN ACT for the benefit of Marion county.

WHEREAS, The Marion county court of levy and claims made a levy of fifty and one-half cents on the one hundred dollars of taxable property of said county for the year 1886, and forty-five cents on the one hundred dollars of said taxable property for the year 1887, both for sundry purposes; and whereas, some doubt exists as to the legality of said levy; for remedy,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said levy of fifty and one-half cents on the one hundred dollars for the year 1886, and that of forty-five cents on the one hundred dollars for the year 1887, on the taxable property of said county for said years, be, and the same is hereby, rendered valid and in full force and effect, as fully as if said county court of levy and claims had been empowered to levy said amount for the purposes mentioned in said levies.

§ 2. This act shall take effect from its passage.

Approved April 10, 1888.

CHAPTER 959.

AN ACT to incorporate the People's Homestead and Saving Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That J. T. Buckley, L. B. Marshall, F. V. Gray,
 Corporators. Patrick McDonald, Jas. A. Murray and Jacob Swiger,
 be, and are hereby, incorporated under the name of
 Corporate name. The People's Homestead and Saving Association; and
 Corporate powers. by that name it may sue and be sued, and contract and
 be contracted with, and possess such powers and trans-
 act such business as appertains generally to building
 and loan associations, but in no sense such business as
 appertains to or as is incidental to banking; the said
 association may accumulate funds from the periodical
 payments on the stock thereof subscribed for, and
 permit its stockholders to anticipate the ultimate value
 of their stock out of the accumulated funds herein-
 after provided for; and to secure such advancements
 and obligations to said association as herein provided,
 Mortgage and hold real estate. they are authorized to mortgage their real estate.
 The said association may, to save or secure the pay-
 ment of any debt due it, purchase any real estate, but
 not to purchase or speculate in real estate in general;
 and any real estate purchased or owned by said asso-
 ciation shall be taxed as other real estate is taxed.
 The by-laws may authorize the board of directors, in
 their discretion, to anticipate the accumulation of
 funds arising from the weekly payment of dues, in-
 terest and fines, as herein provided, by borrowing
 money in the name and on behalf of the association;
 but no indebtedness thus created shall exceed ten
 thousand dollars at any one time.

§ 2. The capital stock of said association shall not
 Capital stock. exceed in the aggregate and full ultimate value thereof,
 at any one time, five hundred thousand dollars, and
 Shares, value. shall be divided into shares of the ultimate value of

one hundred dollars each, which shares may be issued in one or more series, in such amount and at such time as the board of directors may determine; but no person shall own at any one time exceeding forty shares of said stock. Each person subscribing to the capital stock of said association shall pay into the treasury thereof a membership fee of not less than twenty-five cents per share, and as dues upon said stock, at such times and place as may be fixed by the by-laws, weekly installments of twenty-five cents upon each and every share subscribed for, such payments to commence from the issual of the series, and to continue until the accumulated funds in the treasury applicable to that series is sufficient to pay one hundred dollars on each share in that series, when same shall terminate pursuant to this charter as hereafter expressed; and then each non-advanced member in such terminating series shall be entitled to receive from the association one hundred dollars on each share owned by him in said series; and each member in such terminating series who had anticipated and received the ultimate value of his shares before its termination as above provided, shall at such termination stand acquitted of any further obligation to said association on account of his subscription for shares in such terminating series; and any mortgage given by him to secure the performance of his duties as such advanced member shall stand canceled: *Provided, however,* That no series shall run longer than five and one-half years from the date of its issual, at which time the non-advanced members in the series thus expiring shall receive the statement value of their shares as per last statement, together with their proportion of the reserved fund, and the payments of advanced members therein shall cease and their mortgages and stock canceled.

§ 3. For each failure of any member to pay his dues at the proper time and place, he shall be fined five cents per share, but no fine shall be charged in

Number shares
each may hold
limited.

Membership fee

Weekly install-
men's.

Penalty for fail-
ure to pay dues.

any case upon a fine in arrears, nor shall there in any case be a fine charged after a member shall have defaulted in his proper payments for six consecutive months. No fines shall be charged against a deceased member unless his legal or personal representatives shall, on behalf of such decedent's estate, undertake and promise to continue the payment of such decedent's periodical dues and other installments; when, in case default is made, fines may be assessed as in all other cases: *Provided*, That the by-laws may authorize the board of directors to remit any fine, or to suspend the assessment of fines in any case, and extend the time for arrearages to be paid up.

Shares of non-advanced members forfeited, when.

§ 4. The shares of any non-advanced member who shall continue in arrears in the payment of his periodical dues thereon for a longer period than six consecutive months may be forfeited, at the option of the board of directors, upon thirty days' notice to such defaulting share-holder; and in default of payment of all dues in arrears and fines thereon before the expiration of said thirty days, his account shall be cast as described in section 2, and the amount so found shall be held by said association subject to the order of such defaulting member; but no interest shall be allowed thereon to such member after the date of such transfer.

Withdrawal value of shares upon death.

§ 5. Upon the death of a non-advanced member the withdrawal value of his shares shall be ascertained as of the date of his death, as in section 2 hereof, which withdrawal value shall be paid to said deceased member's personal representative upon thirty days' written notice given by him to said association, which payment shall operate as a cancellation of such shares.

Issual of new series.

§ 6. Before the issual of a new series of stock the books of the association shall be closed and a statement of stock values made; such statement shall exhibit an apportionment of two-thirds of the net profits among the shares of the different series pur-

suant to rules to be furnished by the by-laws or the directors, the remaining one-third profits shall be carried to an account on the books of the association, to be termed the "Reserved Fund;" the purposes of this reserve being to meet any contingencies that might arise in the affairs of the association: *Provided*, That the by-laws may allow the directors, in their discretion, at any time to apportion more than two-thirds of the net profits to the stock: *Provided further*, That the regular weekly payments termed "dues" are not to be construed as profits, but are to be carried directly and unimpaired to stock as stock payments.

§ 7. Whenever there may be a surplus undistributed fund in the treasury of the association, any member or members thereof wishing the priority of right to anticipate and receive the ultimate value of his or their share, upon tendering such security for the performance of his duties as an advanced member, shall be entitled to such priority of advance, upon the following conditions, at such times and places as the by-laws may fix: Said surplus undistributed fund shall be offered at auction to those members wishing to anticipate the ultimate value of their shares, and the one bidding the highest premium shall be awarded such right; and thereupon, on his complying with all the duties of advanced members, he shall be entitled to receive by way of anticipation the full ultimate value of all the shares so bid upon by him: *Provided*, That before making such bid or being awarded such priority of right, he shall tender to such person or persons, as may be designated by the by-laws, security satisfactory to them for the due performance of all the duties and obligations of an advanced member, and provided said premium and the interest charged on said loan, when added together, shall not exceed the rate of interest now allowed by law.

§ 8. An advanced member shall, besides his weekly dues, pay into the treasury of the association the

Disposition of
surplus.

Premium for
priority.

premium bid by him for the priority of right to such advance, at such times and places, and in such part or parts, as may be provided in the by-laws, and in like manner interest on the amount actually advanced, not exceeding the rate allowed in this State. In case any advanced member shall fail for three consecutive months to promptly and fully pay his dues and installments of premium and interest or either of them, the association may proceed at law or in equity to coerce payment of the sum found due from him, as ascertained in accordance with the rule hereinafter provided in case of coerced payments, in the same manner as sums of similar amounts are collected in courts of this Commonwealth. The association may require each advanced member to keep all taxes on the property mortgaged to it paid up, as well as to keep such property insured for the benefit of the association; and in case such taxes are not paid and such insurance kept up, and premiums therefor paid by such advanced member, the association may pay such taxes and assessments and cause such insurance to be effected, and keep up and pay the premiums therefor and charge same to such share-holders as a part of his indebtedness on account of his advance; and any mortgage or other security given the association shall be expressed to be, and shall secure such payments, in like manner as same secures the other indebtedness of said member to the association. The association may require every advanced member to pay into its treasury the legal fees incurred by it in obtaining an examination, and report as to the title to the property offered as security, and of mortgages, attachments, liens, and incumbrances thereon, as well as the cost of recording such instrument as may be necessary to effect such security; and the directors may require that such fees and costs shall be paid when the application is made, or when such member receives his advance. Any member who shall have purchased the priority to anticipate or receive in advance the ulti-

Taxes and insurance on property mortgaged to association to be kept up.

mate value of his shares, who shall fail for ten days after acquiring such right to submit to such person or persons as the by-laws may appoint security satisfactory to such person or persons to secure such advance, his subscription for such shares may be by the board of directors declared waived, void and of no effect. The corporation hereby created being of the nature of a mutual co-operative association, the dues, premiums, interest and other charges against a member authorized by the charter and by-laws made in pursuance thereof, shall be deemed legal and enforceable.

§ 9. Before or at the time a member who has purchased the right to an advancement shall receive same, he shall execute and deliver to the association a good and valid mortgage upon real estate situated in the county of Franklin or city of Frankfort, Kentucky. Such mortgage shall plainly set forth the number of shares subscribed for, and in what series, as well as the sum advanced thereon to such member, and shall be conditioned to secure, on the part of such advanced member, the full and prompt payment of all the periodic dues, premiums, and interest accruing on such shares and advancement, as well as all fines and other legal charges incurred or imposed thereon, pursuant to the act of incorporation and the by-laws adopted in pursuance thereof. In addition to said mortgage, the stock of an advanced member shall stand pledged to the association, and it shall have a prior lien thereon as additional security for the performance of all his duties and obligations to the association as an advanced member.

Mortgage to be executed upon purchase of right to advancement.

§ 10. Voluntary withdrawals of stock of non-advanced members may be made at any time as per the value given in the last statement of stock values, together with the subsequent dues paid in, less fines and other charges, if any, against such stock: *Provided*, That thirty days' written notice may be required by

Voluntary withdrawals.

the directors to be given them : *And provided further*, That not more than one-half of the funds on hand shall be subject to withdrawals without the consent of the directors, and that no more than the dues paid in shall be allowed members withdrawing before the expiration of one year from the date of their subscription.

Cancellation of
advancement.

§ 11. An advanced member may, at any time after six months, cancel his advancement and retain his stock in full value by repaying the amount of his advancement, together with all fines and other charges, if any.

§ 12. An advanced member may, at any time after six months, cancel his advancement, and withdraw from the association by repaying his advancement, less the withdrawal value of his stock as given in section two.

§ 13. Whenever it shall be necessary to coerce settlement with and collect from an advanced member the amount due the association, his accounts shall be made up as provided in section 12, and the amount so found due the association shall bear six per cent. interest from the casting of his account.

§ 14. Whenever the statement value of any series, together with its proportion of the reserve fund, shall equal one hundred dollars per share, said series shall mature, and the non-advanced members shall receive their value, and the advanced members shall have their mortgages, stock and obligations canceled in settlement.

§ 15. At the issual of a new series, should the directors have reason to believe that any series will have matured or reached its ultimate value of one hundred dollars before the issual of the next succeeding series, then the directors shall cause said series to mature at that time by crediting it with its proportion of the reserved fund, and then causing the advanced and non-advanced members alike to pay into the treasury of the association a sum suffi-

cient, in proportion to their respective shares, to make the statement value of that series equal one hundred dollars per share for that series, when the non-advanced member shall receive one hundred dollars for each share owned by them in that series, and the advanced members shall have their mortgages and obligations canceled.

§ 16. The number, title, functions, and compensation of the officers, agents or servants of said association, the time, place and manner of their selection, and their term of office, the qualification of electors, and the time and place of the meetings of the officers and stockholders, shall be governed by the by-laws: *Provided*, That in all meetings of stockholders each stockholder shall have but one vote; except in the election of officers each stockholder shall have one vote for each share owned by him, not, however, to exceed twenty-five votes.

§ 17. All installments of moneys received by the association from its members shall be receipted for by a person or persons designated by the by-laws, in a pass-book to be held by each member, and provided by the association, which book shall be plainly marked with the name of the member holding same, and must show the number of shares held by such member, the number and designation of the series to which such share belong. All moneys so received by the association shall be entered by the proper officer in a book kept for that purpose, and the entries therein shall be made so as to show the name of the payer, the number of shares paid on, and the number of the series to which they belong, as well as the dues, premiums, interest and fines paid thereon. All payments or disbursements made by said association shall be made only on order, check or draft upon the treasurer, signed by the president and secretary, and indorsed by the person or persons in whose favor the same is drawn; and no such order, check or draft shall be drawn unless authorized by the

board of directors; the name of the payer, the amount paid, and the purpose for which said payment was made, and the date when drawn shall be entered on the counterfoil of said order, check or draft, and preserved as a voucher by the officer drawing same. It shall be the duty of the secretary to make out a statement in writing, sworn to by him before some officer authorized to administer oaths in this Commonwealth, and forward same to the Auditor of State, on or before the first day of July in each year, showing the actual gross amount of dues paid into the treasury of the association for the twelve months next preceding the first meeting for the payment of dues in the month of March; and the association shall pay into the Treasury of the State on account of, and for its stockholders, on or before the first day of July in each year, seventy-five cents on each one hundred dollars of such dues; and the stock thus taxed shall be exempt from all taxation, State, county or municipal; but this exemption shall not be construed to apply to the real estate owned by the association, nor to the real estate purchased by said advanced members from the advancements received from said association, or any real estate mortgaged to said association.

§ 18. The stockholders in said association, in all meetings and upon all matters in which they may be entitled to vote, may cast their votes either in person or by written proxy.

§ 19. This act shall take effect from and after its passage.

Approved April 10, 1888.

CHAPTER 960.

AN ACT to incorporate the Citizens' Bank of Frankfort.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby established a bank of deposit Capital stock.
in the city of Frankfort, Franklin county, Kentucky,
with a capital stock of one hundred thousand dollars,
in shares of one hundred dollars each, to be subscribed Shares.
and paid for as hereinafter provided; and the sub-
scribers to said stock, their associates, successors and
assigns, shall be a body-politic and corporate, by the
name and style of the Citizens' Bank, and shall so Corporate name
and powers.
continue for the space of twenty-five years from its
organization; and shall be capable of contracting and
being contracted with, of suing and being sued, of
impleading and being impleaded, of answering and
defending, in all of the courts and places whatsoever;
it may have a common seal, and change and renew
same at pleasure.

§ 2. Said bank shall be under the control and direc- Directors.
tion of seven directors, each of whom shall be stock-
holders to the extent of not less than ten shares,
who, after the first election, shall be elected on the
second Monday in January in each year, or as soon
as practicable thereafter, and who shall hold office
for one year, or until their successors are elected and
qualified. They shall elect one of their number presi- Officers.
dent, and one vice-president, who shall act in his stead
in the case of the death, absence or other inability of
the president; and they shall hold their meetings
wherever and at such times and places as they may
deem necessary and proper; and in case of the death,
resignation or inability to serve of any director, the
vacancy shall be filled by the board of directors out
of the stockholders. The directors shall have power Power of direct-
ors.
to receive subscriptions for so many of the shares of
the stock of said bank remaining unsold as they, at

any time, may choose to sell; to declare dividends of the profits arising from the profits of the business, and to appoint such officers, agents and clerks as they may deem necessary to conduct the business of the bank, and pay them such compensation, and take from them such bonds to secure the true and faithful performance of their duties as they shall think proper and reasonable. The stock shall be deemed personal property, and shall be assignable, but only by transfer entered upon the books of the bank.

§ 3. Wm. Lindsay, E. P. Bryan, Jno. P. Starks, Pat. McDonald and W. L. Collins are hereby constituted and appointed a board of directors for said bank, to hold office as such until their successors are elected and qualified, who shall open books and receive subscriptions to the capital stock; and when five hundred shares have been subscribed, it shall be their duty to give notice to the stockholders, by printed advertisement or otherwise, and appoint a day for the election of a board of directors, who shall hold their offices until the ensuing regular election, at which election, and each subsequent one, every stockholder shall be entitled to cast one vote, in person or by written proxy, for each share of stock owned by him, and on which he has paid in full all the called installments due at the date of said election; and every stockholder shall be individually liable to the creditors of the bank for the full amount of the unpaid stock subscribed for and owned by him; but in no case shall his private property be liable for the debts of the corporation beyond the amount of his subscription. The payment of the shares subscribed shall be made in such installments or at such times as the board of directors may order; and when twenty thousand dollars shall have been paid in, and the cashier makes oath of said fact before some judge or justice of the peace, the bank may begin business.

§ 4. The bank may receive deposits of gold, silver, General business bullion, currency, or any thing lawfully circulating as

money, and repay the same in such manner, at such times, and with such interest, not to exceed the rate fixed by law, as may be agreed upon with the depositors by special or general consent. It may borrow or lend money, buy or sell checks, bills of exchange, promissory notes or current money, bonds, stocks, mortgages and other evidences of debt, and do a general banking business; may take personal or other securities for the payment of obligations, and dispose of them according to the provisions of an act, entitled "An act for the benefit of incorporated banks of Kentucky," approved March 16, 1871, and such disposition shall pass a valid title to the same; may receive deposits from minors and married women, and their checks, receipts and acquittances shall be valid. All promissory notes and bills made negotiable and payable at the banking-house of said corporation, or any other banking-house, may be discounted by it, and they are hereby placed upon the footing of foreign bills of exchange, and like remedy as upon said bills of exchange may be had thereon, jointly and severally, against the drawers, acceptors and indorsers thereof.

§ 5. The bank may acquire, hold and use all such Hold real and personal estate. real estate, goods and chattels, as may be necessary for the transaction of its business, or which may be conveyed to it as surety, or in satisfaction of any debts, judgment or decree, and may sell and convey the same at pleasure: *Provided*, that said bank shall not hold any real estate conveyed to it as security for any debt due to it, or in payment of any judgment or debt due it, for a longer time than five years. The board of directors may make all needful by-laws for the government of the bank not inconsistent with the laws of this State and of the United States.

§ 6. Before entering upon their duties the president, directors and other officers of the bank shall take an oath before some justice of the peace, notary public, or police judge, to faithfully perform all duties incum-

bent upon them under this charter, and that they will not sanction or permit any violation of it ; should any occur, will at once report same to the Attorney-General of this Commonwealth.

§ 7. The General Assembly at all times shall have the right to examine the affairs of the bank by any committee, officer, or agent appointed for that purpose, and reserves the right to alter, amend, or repeal this charter at pleasure.

§ 8. This act shall take effect and be in force from and after its passage.

Approved April 10, 1888.

CHAPTER 961.

AN ACT to amend an act to provide for a stock law for Jefferson and Oldham counties.

WHEREAS, It appears that a poll was opened in the Cane Run and Schardine's precinct, of Jefferson county, on the first Saturday in June in 1882, under and in accordance with an act, entitled "An act to provide for a stock law for Jefferson and Oldham counties," passed by the General Assembly of Kentucky, and approved April 15, 1882, in order to take the sense of the people by a majority vote of the qualified voters of the said precinct, in answer to the question: "Are you for or against a stock law?" and whereas, a vote of said precincts was taken; and whereas, all the requirements of said act and of the law were complied with; and whereas, the vote and majority of votes cast was and were in favor of enacting said stock law in said precincts; but whereas, the record of said votes and certificates of the examining board provided in said act were lost; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of said Jefferson county shall, as soon after the passage of this act as practicable, cause to be posted up upon the door of the court-

house of said county the following notice: "(Giving thereon the day upon which said notice was posted up) ten (10) days after the foregoing date upon which this notice was posted up the county court will hear evidence as to whether or not the Cane run and Schar-dine's precincts of Jefferson county did, at the election held on the first Saturday in June, 1882, adopt the stock law for Jefferson and Oldham counties by a majority of votes cast at said election. The members of the examining board, and all persons having information on the subject, are hereby notified to appear before said court ten (10) days after this notice, and give evidence as to said matter and matters pertinent thereto."

§ 2. Whereupon it shall be the duty of said county court to hear evidence as to whether said act was adopted by a majority of said votes cast at said poll held on the first Saturday in June, 1882, and all matters pertinent thereto. The court shall find in accordance with the facts, and shall order its judgments to be entered on record in lieu of said lost certificates in the office of the county clerk of Jefferson county, together with all pertinent matters found or recited in said judgment.

§ 3. When said judgment is entered upon records of the Jefferson county court, in the office of the clerk of Jefferson county, it shall be conclusive of the facts recited therein, and the requirements of said act as to examining board and certificate are dispensed with.

§ 4. This act is amendatory to said act, entitled "An act to provide for a stock law for Jefferson and Oldham counties," approved April 15, 1882; and in case that said Jefferson county court shall find that said stock law was adopted for said precincts by a majority of votes cast at aforesaid poll, then said stock law shall be and remain in full force and effect in said precincts.

§ 5. This act shall take effect from and after its passage.

Approved April 10, 1888.

CHAPTER 963.

AN ACT to empower the county court of Ballard county to levy a tax for road purposes, and to prescribe the manner of collecting and disbursing same.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the county court of Ballard county, composed of the county judge and a majority of the justices of the peace in said county, are hereby authorized and empowered to annually levy an ad valorem tax not exceeding fifteen cents on each one hundred dollars' worth of property in said county subject to taxation for State revenue, and a poll-tax not exceeding one dollar upon each tithable in said county, to be applied exclusively to the improvement of the public highways therein.

§ 2. Said tax shall be certified to the sheriff or tax collector in the same manner that other county levies are now certified ; and it shall be the duty of said sheriff or tax collector, and he is hereby directed and empowered to collect said tax as other county levies are collected.

§ 3. The sheriff or tax collector is hereby directed to pay said tax, when collected, to the treasurer of said county at the same times and in the same proportions as other county levies are now directed by law to be collected and paid, and the sheriff or collector is hereby made responsible upon his county levy bond for said tax as fully as he is for any other county levy; and he and his sureties may be proceeded against upon the same grounds and in the same way that they are liable to for any defalcation in respect to any other county levy.

§ 4. The treasurer of Ballard county shall keep a separate and accurate account of all money chargeable to the sheriff or collector under this act, in the manner that the account of other county levies are

required to be kept; and he shall also keep an accurate account of all money received by himself on account of the levy herein provided for; his duty in reference to this levy being similar in all respects to other county levies; and he and his sureties upon his official bond shall be liable for all money received under this act to the same extent, and may be proceeded against in the same manner provided for in case of defalcation respecting any other county levy.

§ 5. The county court, composed of the county judge and a majority of the justices of the peace in said county, shall lay the county off into road districts and number them; they shall then divide the roads in each district into sections, and number them, all of which shall be done and entered of record.

§ 6. The court shall then proceed, in the manner most expedient and satisfactory to itself, to ascertain the condition of the public roads in the several districts, and the sections of roads in said districts; and shall set apart to the credit of each district such specific sum, to be expended therein, as the court shall think fair and just; and in making this distribution the amount of travel upon the various roads, as well as the condition of the roads, shall be borne in mind; and it shall be the duty of the court to so expend this money as to promote the general welfare of the county.

§ 7. After the court has determined upon the amount of money to be expended in any district, they shall next determine what road and what section of road shall first be improved; and they shall then ascertain specifically the character and extent of improvement to be done upon such section as they have decided to improve; and shall appoint a commissioner to let such improvement to the lowest and best bidder; and shall direct said commissioner as to when and where said work shall be let, and the mode and manner of advertising same.

§ 8. Each section shall be let separately, but any person may bid on and become the contractor for any number of sections; but in all cases the contractor shall enter into a written contract, in which the work to be done shall be fully and completely set out, and the time in which said work is to be performed, and the price to be paid therefor, shall be stated; and said contract shall contain a covenant to the effect that the contractor shall be responsible in damages in a sum at least equal to fifty per cent. of the contract price, for any failure upon his part to comply with his undertaking as therein expressed. Said contract shall be signed by the contractor and his sureties, if any required, in the presence of the commissioner, and attested by him; and he shall, within ten days after the contract has been executed, return same to the county court clerk, who shall file the same in his office, and of which he shall thereafter be the lawful custodian.

§ 9. No money shall be due or paid upon such contract until the work is fully completed, nor until the commissioner with whom said contract was made shall indorse upon the back of such contract that he has carefully examined the work, and that the same is, in all respects, completed according to the terms of said contract; but when said bond is so indorsed, the clerk shall issue his order upon the treasurer for the amount of the contract price, and the same shall be due and payable upon presentation, and when paid, it shall be receipted by the person to whom it was paid, and retained by the treasurer as a voucher; but said treasurer shall not pay out the road fund except upon such order of the clerk, or upon order of the county court.

§ 10. It shall be the duty of the county attorney to prepare all contracts for work under this contract, and no commissioner shall accept any contract until the same has been examined, and, as to form, approved by said attorney.

§ 11. No commissioner appointed under this act

shall have or acquire any interest whatever in any contract which he or any other commissioner appointed hereunder shall make for work upon the roads of said county; and before any such commissioner shall enter upon the duties of his office, he shall appear in the county court and take an oath to the effect that he will faithfully observe and perform his duties as such commissioner, and the fact of his taking said oath shall be noted of record; and if such commissioner shall willfully fail to observe and perform his duty, he may be indicted for false swearing, and, upon conviction, shall be punished as now provided for such offense.

§ 12. The power to levy the tax herein provided for is altogether discretionary with the county court; but if levied, this act shall in all other respects be complied with, and in the event of a levy, all other laws providing for the working of public roads shall be, and they are hereby, repealed, in so far as they apply to Ballard county.

§ 13. Nothing in this act shall be construed to prevent the county court from using any other fund under their control in repairing and improving roads, but may, when they ascertain that there is in the hands of the treasurer an unexpended balance arising from any source, direct him to transfer it to the credit of the road fund, to be used as any other fund raised under this act.

§ 14. If any commissioner under this act shall move from the county, or become mentally or physically unable to examine any work, or make the proper indorsement upon contracts made with him, this fact shall be suggested of record in the county court, who shall appoint some one to perform said duties, who shall be sworn as other commissioners.

§ 15. The county court may make the first levy under this act at any call term held not later than the first Monday in June, 1888, but all subsequent

levies shall be made at the same time that other county levies are made.

§ 16. This act shall take effect and be in force from and after its passage.

Approved April 10, 1888.

CHAPTER 964.

AN ACT for the benefit of I. N. McGlothlin, of Simpson county.

WHEREAS, I. N. McGlothlin did pay this Commonwealth of Kentucky the sum of one hundred dollars for a license to retail intoxicating liquors in Simpson county ; that he paid the said license on the twentieth day of February, 1886 ; and whereas, the sale of said liquors was prohibited in said county after January first, 1887 ; and on the said first day of January, 1887, said I. N. McGlothlin did cease to sell in said county, in accordance with said prohibitory law ; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of Public Accounts be, and the same is, authorized and directed to draw his warrant on the Treasurer of the Commonwealth in favor of said I. N. McGlothlin for the sum of fifteen dollars, the amount due said McGlothlin for said unexpired time of said license.

§ 2. This act shall take effect and be in force from and after its passage.

Approved April 10, 1888.

CHAPTER 965.

AN ACT allowing the jailers of Edmonson county pay while guarding prisoners at work on streets, public roads and public buildings.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the jailer of Edmonson county be, and he is hereby, allowed one dollar and fifty cents per day for guarding prisoners whilst they are paying fines, as now provided by law in working on streets, public roads and public buildings in said county, to be paid out of the county levy and allowed by the court of claims of said county.

§ 2. This act shall take effect from its passage.

Approved April 10, 1888.

CHAPTER 966.

AN ACT to amend the charter of the town of New Hope, in Nelson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the charter of the town of New Hope, in Nelson county, be so amended, that in the event the police judge should, at any time, fail or refuse to act, or should said office become vacant, then the chairman of the board of trustees of said town is hereby empowered to act in his stead.

§ 2. This act shall take effect at its passage.

Approved April 10, 1888.

CHAPTER 967.

AN ACT to amend an act, entitled "An act to incorporate the Calloway Agricultural and Mechanical Association," approved March 20, 1876.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Calloway Agricultural and Mechanical Association," approved March 20, 1876, be amended as follows:

§ 2. That the time for opening books for subscription of stock to said corporation, and for its organization, be, and is hereby, extended four years from the passage of this act; and that any two of the said incorporators, or any one of them, may open such book or books and organize said association.

§ 3. This act to take effect and be enforced from and after its passage.

Approved April 10, 1888

CHAPTER 968.

AN ACT to incorporate the Kenton and Campbell Humane Society.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Judge Geo. G. Perkins, W. T. Hanks, W. B. Sellers, Judge J. O'Hara, John P. Ernst, Lieutenant-Governor J. W. Bryan, Judge James C. Wright, Hon. R. W. Nelson, Fred Spencer, J. H. Graff, John Brenner, John C. Dueber, J. D. Shutt, J. D. Hearne, F. A. Prague, John A. Simpson, John A. Johnson, J. W. Underhill, Frank Ford, James Walsh, Joseph Bailer, Alex. Davizac, G. A. Twick, John R. Coppin, T. J. Smith, W. K. Benton, Dr. Walter Baker, L. J. Blakely, Geo. H. Davison, K. F. Benndorf, W. H. Wallingford, Fred Stangle, H. E. Huntington, Wm. F. Gillhan, Ben P. Easton, J. E. McCracken, Jame

T. Thomas, Fred. J. Myers, W. W. Brown, John M. Meyer, Wm. K. Reidlin, G. W. Howell, C. F. Rasch, G. K. Hartley, Joseph Wehrmann, Thomas G. Wood, C. G. Smeddberg, H. Drexellius, R. P. Pye, Fred. Erschell, P. Goldsmith, Mrs. S. B. Henderson, Mrs. C. G. Rodgers, Mrs. R. T. Miller, Mrs. J. B. Daniels, Mrs. W. S. Perkins, Mrs. A. H. Shaler, Mrs. E. B. Dietrich, Mrs. F. A. Laidley, Mrs. Martha Barrey, Miss Georgia Holmes, Mrs. A. Amann, Mrs. Thomas L. Jones, Miss Mary E. Mooney, Mrs. J. A. Williamson, Mrs. F. W. Baker, Mrs. A. M. Wilshire, Mrs. George Schneider, Mrs. Val. P. Collins, Mrs. H. B. Wells, Mrs. J. W. Kirk, and such other persons as may be associated with them in conformity to this act, and their successors, are hereby constituted and created a body-corporate, by the name of the Kenton and Campbell Humane Society for the Prevention of Cruelty, having for its object the prevention and repression of cruelty; with perpetual succession, and power to acquire, hold and sell real estate for corporate use; to contract and be contracted with, to sue and be sued; to adopt, make and use a common seal, and the same to alter at pleasure.

§ 2. The officers of said corporation shall consist of a president, two vice-presidents, one secretary, one treasurer, one superintendent, and an executive committee of three members, and such other officers as shall from time to time seem necessary to the society.

§ 3. The foregoing officers shall be chosen from among the members of the society. A library may be created for the use of the society.

§ 4. This society shall not, in its corporate capacity, hold real estate exceeding in value at any one time the sum of one hundred thousand dollars.

§ 5. The said society for fixing the terms of admission of its members, for government of the same, for the election, changing the officers above named, and for the general regulation and management of its

affairs, shall have power to form a code of by-laws not inconsistent with the laws of this State or of the United States, which code, when formed and adopted at a regular meeting, shall, until modified or rescinded, be equally binding as this act upon the society, its officers and members.

§ 6. The police force of the cities of Covington and Newport, as well as of all other places in this State where societies for the prevention and repression of acts of cruelty exist, or may hereafter be established, and where police organizations exist, and all sheriffs, constables and justices of the peace, shall, as occasion may require, aid the society, its members or agents, in the enforcement of all laws which are now or may hereafter be enacted for the prevention of cruelty.

§ 7. The said society may appoint agents in any county of this State where no active society exists, to represent the society, and receive and account for all funds coming to this society from membership dues, donations or any other source, and may also appoint agents at large to prosecute the work of said society throughout the State.

§ 8. The agents of said society, and all other societies heretofore or hereafter organized under the provisions of this act, shall have power to arrest any person found violating any law for the prevention or repression of cruelty; and upon making such arrest shall forthwith convey the person arrested before some court or magistrate having jurisdiction of the offense, and there make complaint against them; but said agents shall not be authorized to make such arrests within any municipal corporation unless their appointment has been approved by the mayor, council or police commissioners thereof, nor within any county beyond the limits of a municipal corporation, unless their appointment has been approved by the county judge of said county; and the mayor, council, police commissioners or county judge shall keep a record of all such appointments.

§ 9. Branches of the society, consisting of not less than ten members, may be organized in any part of the State to prosecute the work of the society in their several localities, under rules and regulations prescribed by the society.

§ 10. Such associations may elect such officers and make such rules, regulations and by-laws as may be deemed necessary or expedient by their members for their own government and the proper management of their affairs, said laws not conflicting with the laws of this State or of the United States.

§ 11. Such associations may appoint agents for the purpose of prosecuting any person guilty of any act of cruelty to persons or animals within this State, who shall have power to arrest any person found violating any of the provisions of this act, or any other law for the purpose of protecting persons or animals, or preventing any act of cruelty thereto; and upon making such arrest, such agent shall convey the person so arrested before some court or magistrate having jurisdiction of the offense, within the municipal corporation or county wherein the offense was committed, and there forthwith make complaint, on oath or affirmation, of the offense; but all appointments by such associations under this section must have the approval of the mayor, council or police commissioners of the city or town in which the association exists; and if it exists outside of any city or town, the appointment must be approved by the county judge of the county; and the mayor, council, police commissioners or county judge shall keep a record of all such appointments.

§ 12. Any officer, agent or member of any such association may interfere to prevent the perpetration of any act of cruelty to children or animals in his presence, and may use such force as may be necessary to prevent the same, and to that end may summons to his aid any by-standers.

§ 13. Any sheriff, marshal, policeman, constable, or agent of any society for the prevention of cruelty to

animals, may kill or cause to be killed any animal found neglected or abandoned, and which, in the opinion of three reputable citizens, is injured or diseased past recovery, or by age has become useless.

§ 14. All fines collected under the laws for the prevention of cruelty to children or animals shall be paid to any duly incorporated society for the prevention and repression of cruelty. But any such society instituting any such prosecution shall be entitled to receive all fines collected from such prosecution.

§ 15. This act shall take effect from its passage.

Approved April 10, 1888.

CHAPTER 969.

AN ACT to authorize the county court at its court of claims to levy an ad valorem tax and fix the county levy in Adair county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the county court of claims for the county of Adair shall have the power to levy an ad valorem tax of not exceeding fifteen cents on each one hundred dollars' worth of taxable property in said county, to be collected in the same manner that the State revenue is collected, which tax shall be used for county purposes only.

§ 2. The said county court is also authorized to collect a *per capita* tax from each white voter not exceeding one dollar and fifty cents for the purposes named in section one.

§ 3. The sheriff of said county shall be responsible on his bond to the same extent for the collection of the tax imposed in this act as the State revenue.

§ 4. This act shall take effect from its passage.

Approved April 10, 1888.

CHAPTER 971.

AN ACT to authorize the county judge of Trimble county to issue certificates to physician for pauper claims.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for the court of claims of Trimble county, Kentucky, to allow any physician any claim for attending on any pauper of said county, unless authorized by the certificate of the county judge.

§ 2. This act shall be in force from and after its passage.

Approved April 10, 1888.

CHAPTER 972.

AN ACT to prevent trespassing on real estate in the county of Jefferson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. No one shall knowingly and unlawfully throw down or leave open any bars, gate or fence upon the land of another.

§ 2. No person shall enter upon the inclosed land of another without permission of the owner, occupant or person in charge thereof, for the purpose of hunting, trapping, fishing, taking or destroying the nests or eggs of birds, or gathering nuts, fruits or berries.

§ 3. Violation of any provisions of the preceding sections of this act shall be punished by a fine of not less than one dollar nor more than fifty dollars; or in default of payment of the fine, by imprisonment not exceeding twenty days.

§ 4. The owners of any land, with such others as he may command to assist him, may arrest on such land any person violating this act, and forthwith take him

before any justice of the peace or proper magistrate for prosecution according to law.

§ 5. This act shall take effect from and after its passage, but shall only apply to the county of Jefferson.

Approved April 10, 1888.

CHAPTER 974.

AN ACT to amend the charter of the town of Proctor, and reduce into one the several acts thereto.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The boundary of Proctor shall be as follows: Beginning at low water-mark on south side of the Kentucky river, at the mouth of Knob branch, at the lower end of the Samuel Johnson farm, running with the meanders of Knob branch to where the Booneville road crosses said branch; thence with said road to where the said road forks to go to Proctor and Congleton shoals; thence in the nearest straight line to the South Fork of the Kentucky river; thence down the South Fork of Kentucky river with the low water-mark to the mouth; thence with the Kentucky river with the low water-mark to the beginning.

§ 2. The fiscal, prudential and municipal concerns of said town shall be vested in five trustees, to be styled the board of trustees of Proctor, all of whom shall be elected annually, on the first Saturday of April, by the qualified voters of said town, who shall have resided therein at least sixty days next before said election. The trustees shall hold their office for one year, and until their successors are elected and qualified; they shall, before they proceed to act, take the official oath prescribed by the Constitution and laws of the State, which may be administered by any person authorized by the laws of the State to administer an oath. The officer administering the oath shall

certify the same to the board of trustees, and such certificate shall be spread on the records of the board of trustees. They shall select one of their number a chairman of the board, whose duty it shall be to preside at all meetings of the board; give the casting vote in case of a tie; preserve order and decorum; call the board together when emergency may demand, and see that all rules and regulations concerning their meetings are enforced. In case a vacancy shall occur in the board of trustees, they may fill such vacancy by appointment until their next election. No person shall be a trustee who is not, at the time, over twenty-one years of age, and who has not resided therein for at least six months next before his election or appointment.

§ 3. The board of trustees of said town, and their successors in office, shall be a body-politic and corporate, and shall be known by the name and style of the Board of Trustees of Proctor; and by that name may sue and be sued, contract and be contracted with; they may take and hold real estate or personal property by purchase, devise, bequest or donation, for the use and benefit of said town, and may lease or sell and convey the same, and may sell and convey any property, real or personal, owned by them: *Provided, however,* They shall not lease or sell any such property except by a vote of a majority of the board of trustees; and the names of those voting for the lease or sale of such property shall be entered upon the records of said board of trustees.

§ 4. The board of trustees may fix by their by-laws the time and place of their regular meetings, and the mode of special meetings. A majority of said trustees shall constitute a quorum to transact business. They may provide for punishing those who fail to attend the meetings, without a reasonable excuse, by fines. In the absence of the chairman they may elect one of their number chairman for the occasion. The officer presiding shall sign the minutes of the meet-

ings, when approved by the board ; and shall have all the powers on that occasion as the regular chairman. The board of trustees shall have power to provide by by-laws for punishing any one guilty of disorderly conduct in their presence while sitting.

§ 5. That the titles of the streets, alleys, and all public grounds in said town, shall be, and is hereby, vested in the board of trustees of said town, and they may maintain any appropriate action to prevent any damage, obstruction or injury to said streets, alleys or other public grounds, shade trees, ornamental trees, or other thing or fixtures placed there by them ; and may compel the removal of obstructions in any of the streets, alleys, or public grounds, or to recover damages for any injury hereafter done to any of the streets, alleys, public grounds, shade or ornamental trees, thing or fixture. Said board shall have power to build cisterns, dig wells, and to regulate the storage of gunpowder or other combustible material, or material of an unhealthy character ; and they may prohibit the sale of fire-crackers, roman candles, sky-rockets, or any other article of the kind within the limits of said town.

§ 6. The said board of trustees may require chimneys, flues or stove-pipes, which may endanger the safety of property, to be repaired so as to make them safe, and may provide penalties for a disobedience of their orders, and provide for repairing or removing such danger or defects, at the cost of the owner of the property. They may require owners or occupiers of property fronting on the streets or alleys to keep the streets and alleys in front of their property clean ; and may prevent the exhibition of stud-horses or jacks on the streets of said town, or the exhibition of any obscene or immoral show or pictures.

§ 7. Said board of trustees shall have power to open new streets or alleys in said town, or may extend, straighten, or widen any of the present streets or alleys in said town ; or may close any of the streets or alleys

in said town that they may deem useless, the owner of any land giving his consent; and in case they can not agree with the owner of the ground required for such new street or alley, or for widening or straightening old ones, they may file their petition in the Lee county court against the owner or owners of the land required, setting forth the boundary and location of the land required, on which petition summons shall be issued and served on the owner or owners of said land, if residing in Lee county; and if not, then on a known agent or attorney of such owner or owners; but if there be no known agent or attorney, then the summons may be served on such owner or owners in any county of this State; but should such owner or owners be non-residents of this State, they shall be warned to appear, and be provided against, as provided in the Civil Code of Practice. When such owner or owners shall be properly before the court, the court shall direct a writ of *ad quod damnum* to issue, which writ shall be executed by the sheriff, and the value of the land required for any such new street or alley, or alteration or extension of an old one, shall have been ascertained, the court shall enter judgment condemning such land, and ordering the new street or alley to be opened, or the old one extended or altered: *Provided, however*, That no such order shall be made until the trustees of said town have paid into the court the amount of damages assessed and all cost of the proceedings: *Provided further*, That the trustees shall not be compelled to pay the damage assessed, after the damages are assessed, they elect to do so; and they may, if they see proper, abandon the proceeding, being responsible for cost only; but upon their doing so, the court shall enter an order annulling the order condemning the ground: *Provided, however*, Either party may appeal from the final judgment of the court, condemning the land or assessing the damage to be paid, to the Court of Appeals, if the Court of Appeals have jurisdiction of the amount; but

no such appeal shall be taken after six months from the final judgment appealed from.

§ 8. The board of trustees of said town shall have power to cause any of the streets or alleys of said town to be graded, the owner of lands giving his consent, paved or graveled, or otherwise improved ; they shall have power to order, at the cost of the owners of property fronting the streets, the sidewalks to be paved or graveled, or otherwise improved ; and they shall fix in their order the grades, width, character of material to be used in curbing, paving or other improvement, and shall notify the owner, agent, or attorney of such property, if they reside in said town, of the intended improvement, giving them a reasonable time to make the same ; but upon their failure to do so within the time specified in such notice, it shall then be the duty of said trustees to have the improvement made at the expense of said town, and shall enter the cost of the same in a book to be kept by them for that purpose, together with a fair description of the lot or lots so improved, which cost of improvement shall stand as a tax assessment and lien against the whole of the lot or lots so improved, together with such buildings as may be upon it ; the election of said tax assessment and lien shall be enforced by a sale of such lot or lots so described, but not until such tax and assessment has been presented for payment to the owner, his or her agent or attorney, provided such owner, agent or attorney resides in said town. Should said owner not reside in said town, or have no agent or attorney residing therein, it shall not be necessary to give the notice required by this section nor make the demand herein named. A copy of the assessment and description of the property herein named, attested by the clerk of the board of trustees, shall be authority to the marshal of said town to make the sale herein named. Said sale shall be made as like property is required to be sold for State and county tax by the laws of this State ; and the owner or owners shall

have the same rights to redeem said property, by paying the assessment, cost of sale, and per cent. now allowed by law in the collection of the revenue and county levy of the State. Said marshal shall return the original assessment, under which he made the sale, together with his return, to the board of trustees, which shall be copied in full by the clerk of the board on the records of said board, in a book to be kept by them. Should the owner or owners fail to redeem said lot or lots or land within the time prescribed, it shall be the duty of said marshal, or his successor in office, to make deed of conveyance to the same to the purchaser, which deed shall pass full and complete title to the same to the purchaser.

§ 9. That the board of trustees of said town shall have the exclusive right and power to license, and provide by ordinance for licensing auctioneers, the sale of goods, wares and merchandise, of any descriptions whatever; livery and sale stables; all vehicles running for hire; and shall have the right to tax any show or exhibition exhibiting in said town; that the tax on auctioneers shall not be less than five nor more than ten dollars per year; that the tax on each person or firm for the sale of goods, wares and merchandise shall not be less than five nor more than twenty-five dollars per year; that the tax on each livery or sale stable shall not be less than five nor more than ten dollars per year; that the tax on each vehicle shall not be less than two nor more than five dollars per year; that the tax on each show, exhibition or performance shall not be less than two nor more than twenty-five dollars for each performance.

§ 10. That the board of trustees of said town may, by general or special by-laws or ordinances, require all vendors of spirituous, vinous or malt liquors in said town, to close their bar-rooms, and keep them closed, and not to sell or give to any person on the Sabbath day; and may require bar-rooms to be closed and prevent the sale of spirituous liquors on any pub-

lic day as they may deem proper; and may require all bar-rooms to be closed at a specified hour at night, not earlier than nine o'clock.

§ 11. That when a license is required under the charter to carry on a business, or do an act, the production of the treasurer's receipts for the amounts of said tax or license to the board of trustees shall be evidence to that said amount has been paid into the treasury; and upon which they may or not, in their discretion, issue a license to the holder by his executing the bond required by law, if a bond shall be required in such case; the order of said board of trustees, entered on their records, specifying the business to be done, signed by the chairman and attested by the clerk, shall be authority and a license to the holder to carry on the business or perform the act therein named; but in case the license is refused by said board, the treasurer shall refund the money to the applicant by his returning said receipts and demanding the same.

§ 12. The board of trustees of said town shall have power, by suitable by-laws or ordinances, with penalties adequate for the purpose, not, however, to exceed one hundred dollars' fine or fifty days' imprisonment, or both, to suppress tippling-houses, gaming-houses, and to punish any one guilty of rioting, disturbing the public peace, disorderly or indecent conduct or language, disturbing religious worship, schools, public speaking or lectures, or any lawful public meeting, injury to streets, alleys or public grounds, shade or ornamental trees, cisterns, wells, pumps, churches, school-houses or other public buildings or property belonging to said town or the county of Lee, including bridges which are now or may hereafter be erected; and to pass all such by-laws or ordinances as shall be necessary or proper to carry out any power given by this charter, or for the suppression and punishment of all such disorders and irregularities as shall be prejudicial to the good order and

quiet of said town. The by-laws and ordinances now in force in said town shall remain until changed by the trustees. No by-law hereafter passed shall go into effect until ten days after the same is posted at the most public place in the said town; but it shall not be necessary, upon the trial of any one charged with a violation of said by-laws, that this provision has been complied with, unless such person, before the trial is commenced, demand such proof.

§ 13. The board of trustees may levy and collect, annually, a tax, not exceeding forty cents, on each one hundred dollars' worth of property in said town, taxable under the revenue laws of this State, including the amount owned by any person residing in said town, which ought to be given in under the equalization law; and on such personal property in said town owned by persons not residing in said town, as shall be employed by such person in business in said town; they may also levy a poll or capitation tax, of not more than two dollars in any one year, on all the male inhabitants of said town over the age of twenty-one years; and a special tax on all dogs, over one to the family, of not more than three dollars in any one year; and all dogs permitted to stay at or about the house of a family shall be construed as belonging to and owned by such family.

§ 14. The board of trustees of said town shall publish annually, at the expiration of the term of each board, an account of all the money received by them and all the payments made out of the treasury during the year, and the amount of the debt of the town, and the amount due the town, which statement shall be verified by the chairman of the board.

§ 15. Each board of trustees shall appoint a treasurer, whose term of office shall be one year, who shall be over the age of twenty-one years, and of good moral standing. They shall take from him bond, with approved security, conditioned for the faithful disbursement of all moneys received by him as or-

dered by the board; and that he will settle his accounts, and pay over to his successor in office any balance in his hands at the expiration of his term; and the trustees may require him, at any time, to renew his bond, and on his failure to do so in five days, may remove him. The marshal or other collecting officer collecting fines, money due for licenses, tax or assessments, or any money received in the name of the trustees or for their use, shall pay the same over to the treasurer within ten days after collecting the same, and take the treasurer's receipt therefor, and on his failure to do so, he shall be responsible on his bond for the amount so collected, and twenty per cent. thereon. The treasurer shall pay out no money except on the order of the board of trustees, signed by the chairman of the board and certified and attested by the clerk.

§ 16. Any person desiring to test the validity of any by-law or ordinance passed by said board of trustees may do so by petition in the Lee circuit court against the board of trustees, setting forth the particular by-law or ordinance believed to be illegal, and stating that if enforced it will affect the rights of plaintiff; and on filing such petition an injunction may be granted the plaintiff, as provided by the Civil Code of Practice, and the cause shall be docketed, and stand for trial on the third day of the first term of said court after filing said petition: *Provided*, Said petition be filed twenty days before the beginning of said court. Either party may appeal from the decision of the circuit court to the Court of Appeals, without any regard to the amount in controversy; but no such appeal shall be taken after six months from the rendition of the judgment: *Provided, however*, That upon the dissolution of the injunction, the plaintiff and his securities shall be liable on their bond for all damages, including the amount of any license, fines, tax, or assessments that may have been prevented from being collected by said injunction.

§ 17. There shall be elected, on the first Saturday in April, 1888, and every two years thereafter, by the qualified voters of said town, a police judge, who shall hold his office for two years, and until his successor is elected and qualified. No person shall be police judge who is under twenty-one years of age, and who has not been a resident of said town for six months next preceding his election or appointment, nor a vendor of spirituous liquors or retail by license, keeper or owner of a billiard saloon or bowling alley; and any person holding the office of police judge, who shall become a vendor of spirituous liquors by license, or keeper or owner of a billiard saloon or bowling-alley, shall *ipso facto* vacate his office; and should the office of police judge become vacant at any time, the trustees of said town shall appoint one until the next election for trustees of said town, or until the next regular election for police judge, whichever may occur first, at which election a police judge shall be elected, who shall hold his office until the next regular election for police judge of said town, and until his successor is elected and qualified.

§ 18. The police judge of said town, or, in his absence, the chairman of the board of trustees, shall have exclusive jurisdiction of all offenses against the by-laws or ordinances of said town, and the police judge shall have concurrent jurisdiction with the county judge and justices of the peace in all penal and criminal offenses committed in the county of Lee; and the police judge shall have concurrent jurisdiction in all civil cases with the justices of the peace of said county; he shall be a conservator of the peace in said county, and shall be commissioned by the Governor, and take a similar oath to that required by justices of the peace, and execute bond as now required by the laws of this State. The police court shall be styled the police court at Proctor, and is declared to be a court of record, and shall have all such power of

preserving order, punishing contempts of its authority, and enforcing obedience to its mandate, precept, and authority that is possessed by the county judge. All fines imposed by the police court for offenses committed in said town against the by-laws thereof, shall be for the benefit of said town, and shall be paid over by the officer collecting the same to the treasurer of the board of trustees within ten days thereafter. All warrants issued by the police judge of said town for offenses committed in said town against its by-laws, which are cognizable, shall be in the name of the Commonwealth of Kentucky, for the benefit of the trustees of said town, and shall be executed by the marshal, or any other peace officer of Lee county, to whom they are delivered and returned by said officer to the police court for trial. Said police judge shall have power to take bail for the appearance of persons charged with offenses within its jurisdiction at a subsequent day for trial, or indorsed on warrants issued by him, the sum the defendants may be admitted to bail in, by the officer making the arrest, for his appearance on a day to be fixed by such officer; and in case any defendant shall fail to appear in discharge of his or her bail, may declare the same forfeited, and summons the defendant and his or her securities to show cause why judgment should not be rendered against them for the amount of the bond; and if no sufficient reason is shown within ten days after the service of the summons, may give judgment for the amount, on which judgments a *capias pro fine* may issue; and when collected, the same shall be paid to the town treasurer: *Provided, however,* That the bail required of the defendant shall in no case exceed the amount of the fine which might be imposed. His court shall be open at all times for the trials of infraction of the by-laws and ordinances of said town, or the trial of criminal or penal causes. He shall hold a court on the second Saturday in each month for the trial of civil cases, and may adjourn

the same until Monday, and from that to other days, until the business of the term is completed: *Provided, however*, That his jurisdiction in civil cases shall not be construed to go beyond the town limits, except the defendant consents in writing, indorsed on the summons or warrants, and signed by himself: *And provided further*, That the process or summons must be served five days before the commencement of the term. Copies of his records, attested by himself or his successor in office, shall be received in evidence as copies of other records are now admissible under the law.

§ 19. The police judge may charge and collect the following fees, which shall be due and distrainable as fees of justices of the peace now are: For issuing a warrant for an infraction of the by-laws or ordinances of the town, or criminal or penal laws, one dollar; for swearing a jury and presiding at the trial, two dollars; for presiding at a trial where no jury is required, one dollar; for each subpoena for one or more witnesses, twenty-five cents; for recognizance or bond to keep the peace, to be paid by the applicant, one dollar; and for all other services he shall be allowed the same fees that are allowed to justices of the peace for similar services.

§ 20. Either party may appeal from a judgment of the police court to the Lee circuit court, in any case, as now provided by law; such party would have the right to appeal from the judgment of the quarterly court or justices of the peace; also to the quarterly court as is now allowed from justices' court. The appeal shall be taken in the same manner, within the same time, and on the same conditions, as from the quarterly court or justice of the peace. The police judge shall have power to enforce the laws of the State against vagrants, gypsies and peddlers who shall offend against the laws of this State; against vagrants, gypsies and peddlers within the limits of

said town, and to require bonds to keep the peace and be of good behavior.

§ 21. There shall be elected on the first Saturday in April, 1888, and on the first Saturday in April every two years thereafter, by the qualified voters of said town, a marshal, who shall hold his office for two years, and until his successor is elected and qualified. The marshal shall, within ten days after his election, in addition to the oath required by the Constitution and laws of this State, take an oath faithfully to discharge all his duties under this act and the by-laws of the board of trustees of said town, and execute bond, with security, approved by the board of trustees, conditioned for the faithful performance of his duties; and that he will in due time collect and pay over to the proper person all taxes, fines, assessments, forfeitures or other dues of said town placed in his hands for collection, and make final settlement with the board at the expiration of his office; and that he will in good faith, to the best of his skill and judgment, execute all such duties as may be lawfully required of him by the board of trustees, as are imposed by this act. The marshal shall execute all process to him directed from the police judge or other officer, for breaches of the by-laws or ordinances of said board of trustees, or for any offense committed in said town; and he may execute process issued by any officer in the Commonwealth of Kentucky for an infraction of the criminal or penal laws of this State, and for these purposes may go to any part of Lee county; and said marshal shall have concurrent jurisdiction with constables of said county in all civil cases: *Provided, however,* He shall have no power to execute civil process until he shall have entered into bond, with approved security, in the county court, in the same manner that constables are required to do. He shall have all the powers to levy, distrain, and sell for all taxes, fines, assessments, or forfeitures, or other dues of the board of trustees, that sheriffs have in the collection of the

~~revenue or~~ county levy, and shall have the same compensation, or any additional compensation the board of trustees may allow; and upon his failure to collect and pay over, he and his securities shall be liable in the same manner, and proceeded against in the same way, that constables are proceeded against in this Commonwealth. The marshal shall have the power to sell any real estate to pay any town tax or assessment against its owner, in the same manner, and on the same terms, that sheriffs have to sell for State revenue and county levy, when he shall be unable to find personal property in said town to pay the same, and shall return a copy of the authority under which he made the levy and sale, with his return indorsed thereon, to the clerk of the county court of Lee county, who shall record the same in the same manner as sales for taxes under the revenue laws of the State are required to be recorded, and shall be entitled to the same fees therefor. Such real estate shall be subject to redemption in the same manner, and in the same time, and on the same terms as real estate sold for revenue and county levy; and if not redeemed in one year, shall be conveyed to the purchaser by the marshal, in the same manner as real estate is conveyed by the sheriff; and for making such deed the marshal may charge and collect two dollars from the purchaser. The original authority under which the sale was made shall be returned to the clerk of the board of trustees, and by him recorded in full, together with the marshal's return in a book to be kept by the board for that purpose.

§ 22. The marshal of said town may appoint a deputy, who shall reside in the town of Proctor. The marshal shall be responsible on his official bond for the acts of his deputy; but such deputy shall have jurisdiction only in cases of infractions of the by-laws and ordinances of the board of trustees. No person shall be eligible to the office of town marshal unless he be at least twenty-one years old at the time

of his election or appointment; but this provision shall not apply to his deputy.

§ 23. It shall be the duty of the marshal to arrest all persons who may, at any time, be guilty of a violation of any of the provisions of the by-laws or ordinances of said town, or of the charter, respecting the good order, peace and tranquility of said town, or any of its inhabitants, and when necessary, he may call to his aid any or all the male inhabitants of said town, and all others who may be in the town, to enable him to make arrests or quell disturbances; and any inhabitant or person who shall, on being summoned by the marshal to aid him in the execution of his office, refuse to obey him and render assistance, shall be fined not less than two nor more than ten dollars for each offense, recoverable in the police court. He may, at all times, arrest drunk or disorderly persons; and he may commit to the jail of Lee county any person who may be found in said town drunk or disorderly, between dark in the evening and daylight in the morning; and the jailer of said county is authorized and required to receive such person into, and confine him or her in the jail until morning; but he shall bring such person before the police judge or chairman of the board of trustees, or, in their absence, before the county judge of Lee county, or a justice of the peace for said county, before twelve o'clock next morning; and if no one appears against such person, he or she shall be discharged; or if none of the aforesaid officers be found, the marshal shall discharge such person. The marshal shall attend all the sittings of the police court, and may be required by the board of trustees to attend any or all of their meetings, and to perform other services, not inconsistent with the nature of his office, as they may prescribe by the by-laws.

§ 24. In case the police judge or marshal shall fail to give bond, as required by this act, within ten days after the former receives his commission and the lat-

ter his certificate of election, he so failing shall forfeit his office, and the same shall be declared vacant by a resolution of the board of trustees; or if either remove from said town his office shall, in like manner, be declared vacant; should the office of marshal, from any cause, become vacant, the board of trustees shall fill the same by appointment, and the appointee shall be required to take a similar oath and execute a similar bond to that required in this act, and shall hold his office until the next election of trustees, or regular election for police judge and marshal, whichever may occur first, and shall hold his office until his successor is elected and qualified.

§ 25. The board of trustees shall annually appoint one town assessor, who shall take a list of property in said town, taxable under section fifteen of this charter, and to fix a just and fair valuation upon all property listed for taxation on the 10th day of January in that year, together with all dogs over one to the family; all mercantile establishments, taverns, brokers, billiard saloons, bowling-alleys, livery and sale stables, and vehicles of all classes run for pay; which list shall be made on the oath of the party; or, if any one refuse to give in a list and swear to it, or fails from any cause to do so, the list shall be made from the best information the assessor possesses. Said list shall be arranged in alphabetical order, and shall be completed and returned to the board of trustees at their first regular meeting in June, whereof notice shall be given, that said inhabitants or owners may examine the same; and if any one shall feel aggrieved thereby in excessive valuation, application may be made to the board of trustees, and proof being made to their satisfaction, the list may be corrected. The board of trustees shall pay said assessor a reasonable compensation for his services. Before he proceeds to act, he shall take a similar oath to that required by law of county assessors, and shall be competent to administer the oath required by this section.

§ 26. The board of trustees shall appoint a clerk of their board, whose duty and pay shall be determined by the board of trustees.

§ 27. The board of trustees may employ an attorney to prosecute persons brought before the police court for offenses committed within the town, and may agree with him as to his compensation.

§ 28. The board of trustees shall have power to acquire lands for cemetery purposes, and may lay out, ornament, and improve the same in such manner as to them may seem proper; and may provide by-laws for protecting it from desecration, trespass, or injury, and may appoint a sexton to take charge of the same.

§ 29. This charter shall vest the board of trustees of said town with power, by by-laws and ordinances, to suppress crime and disorderly conduct on that part of the river extending along the town to low-water mark on the north bank, as fully as though the same was embraced within the limits of the corporate boundary of said town; and all by-laws and ordinances passed by the said board of trustees for the protection, good order, quiet, and well-being of said town, shall be construed to embrace said river the whole length of said town to the north bank as aforesaid; and the jurisdiction of the officers of said town for the enforcement of such by-laws and ordinances shall be exclusive.

§ 30. No person shall be eligible to hold any of the offices provided for by this charter unless he be over the age of twenty-one years and a resident of said town for at least six months next before his election or appointment, except the town clerk and deputy marshal. No person shall be eligible to vote for any of the officers elective under this charter unless he be over the age of twenty-one years and a resident of said town for at least sixty days next preceding the election: *Provided, however,* That any qualified voter in Lee county, owning real estate in said town, shall

be eligible to vote for any of the officers of said town.

§ 31. The board of trustees shall appoint a superintendent of the streets and alleys of said town; said superintendent shall be a sober, discreet person, well experienced in such matters; his duties shall be to watch over and see that the streets and alleys of said town are in good and safe condition; report any defects or breaks to the board, and repair or improve them as ordered by the board; they shall agree with him as to his wages, and may remove him at any time and put another in his stead. The marshal of the town shall be eligible to said position, and shall always have the preference in appointment when his qualifications are sufficient. Said commissioner or superintendent shall have power to call out all male citizens of said town, who are now required to work on the public roads in the county, to assist him in working the streets and alleys, at any time he may deem it necessary; he shall superintend the work, and shall give them the same notice of the time of such work as is now required by the laws of the State. Should any person subject to work fail to do so when legally notified, he or they failing shall be subject to the same penalties now prescribed by the State laws, recoverable on warrant before the police judge; and when said fine is collected, it shall be paid into the treasury of the town as other fines. Should any person subject to work under this section prefer, when called out, to pay fifty cents per day in lieu thereof, he may deposit the same with the marshal or superintendent, and be relieved from such time; and said marshal or superintendent shall pay said sum of money to the treasurer and take his receipt therefor: *Provided*, That all persons required to work the streets under this section shall be exempted from working on the public roads of the county outside of the corporate limits of said town.

§ 32. The jail of Lee county shall be used as a town

prison, in the absence of a prison in the said town of Proctor, and the jailer thereof shall be the keeper until the town shall provide a prison and a prison-keeper; his fees shall be the same as now provided by law for similar service, and the same shall be payable out of the town treasury when ordered by the board of trustees.

§ 33. All male persons convicted under the by-laws or ordinances of said town, when the punishment is a fine or imprisonment, shall be compelled to work on the streets or alleys of said town, under the supervision of the marshal or superintendent, under guard or with a ball and chain attached to him, until the number of days worked, at one dollar for each day, shall equal the whole amount of said fine and cost, and until one day's work equals one day's imprisonment satisfies the whole of said imprisonment and cost of the prosecution, which shall fully satisfy the judgment and cost in either case; and upon such person producing to the police judge the certificate of the superintendent of the streets that said work has been performed, said police judge shall enter said judgment and cost fully satisfied by work on the streets: *Provided*, That this section shall not be construed to prevent any person fined under the by-laws or ordinances of said town from paying or replevying the same: *And provided further*, That the police judge or chairman, or other officer presiding at the trial of any offense committed under the by-laws or ordinances of the said town, shall indorse at the foot of each judgment of conviction that the defendant shall work on the streets or alleys to satisfy the same; and a copy of said judgment and indorsement, attested by the police judge, shall be authority to the jailer or superintendent of the streets to work said person therein named, as required by this section: *Provided further*, That no person shall be compelled to work more than eight hours per day in satisfaction of any fine or imprisonment herein provided for. The

board of trustees of said town shall make provisions for the safe-keeping of such person, during the time he or they may be at work, by ball and chain or otherwise deemed best.

§ 34. That all elections held under this charter shall be held at some public place provided by the said board of trustees, by the clerk of the board of trustees, or in his absence or disability to act, by some one appointed by the board of trustees. The officer holding the election shall be responsible in every way, as officers of other elections are by the laws of this State. The poll-books, together with the certificate of the officer holding the election, shall be returned to the board of trustees, who shall spread the result of the election upon their records, and certify the same to the person found to be elected.

§ 35. This act shall repeal all laws and by-laws in conflict with it, and take effect and be in force from and after its passage.

[Became a law without approval of Governor April 11, 1888.]

CHAPTER 975.

AN ACT in relation to the sale of spirituous, vinous and malt liquors,
in Webster county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an election shall be held in the several ^{Election.} voting precincts in Webster county, to take the sense of the legal voters of said county on the question whether spirituous, vinous or malt liquors shall be sold therein.

§ 2. Said election shall be held on the order of the ^{County judge to} county judge of said county, entered on the order-^{order.} book of his court, and upon thirty days' printed notice posted at the court-house door, and at each voting place in said county; and shall be held and

conducted by the officers who hold and conduct the election, on the first Monday in August, 1888, or such officers as may be appointed in lieu of said officers of election. But no such election shall be ordered until a petition, signed by fifty legal voters of said county, shall be presented to the county judge, accompanied with a sufficient sum of money to defray the expenses of ordering, advertising and holding said election and comparing the polls. And no election shall be held under this act within sixty days of any general election for State, county or district officers, or any political convention or primary election in said county, for the election or nomination of candidates for office in said county, or in any district or in the State. The poll-books for the several precincts shall be furnished by the county court clerk, with two columns on each, one to be headed "For the sale of spirituous, vinous and malt liquors," and the other "Against the sale of spirituous, vinous and malt liquors," and in these columns the votes shall be recorded.

Petition of fifty legal voters.

Not to be held within 60 days of general election or primary election.

Poll-books furnished by county clerk.

Form.

§ 3. The officers holding said election shall certify the result in their respective districts, and cause the poll-books to be returned to the county court clerk within three days after the election; and the same officers who compare the polls at other elections shall compare the polls on this question; and if it shall appear that a majority of the votes cast at said election were cast in favor of the sale of spirituous, vinous and malt liquors in said county, it shall be entered on the order-book of the county court; and it shall be lawful for the county court to grant and issue license to sell the same by retail, under the provisions of the General Statutes.

Officers certify result.

§ 4. If at said election a majority of the votes cast in the whole county shall be against the sale of spirituous, vinous and malt liquors, it shall be unlawful to sell the same in said county: *Provided, however,* If a majority of the legal voters in any one or more elec-

If majority be against.

If majority be for

... said county shall be cast in favor of
...ous, vinous and malt liquors, then
sell same in said voting precinct,
btained therefor under the pro-
tatutes.
of acts in conflict with this

from and after its pas-

rnor April 11, 1888.]

CHAPTER 976.

orporate the Bellevue and Cincinnati Tunnel and Bridge
Company.

*Be it enacted by the General Assembly of the Com-
monwealth of Kentucky :*

§ 1. That J. G. Schmitlapp, W. A. Goodman, Geo. Corporators.
W. Robson, Sr., F. C. Miller, Julius Balke, J. H.
Stegeman and Geo. W. Robson, Jr., their associates,
successors and assigns, be, and they are hereby, cre-
ated a body-corporate, under the name and style of
the "Bellevue and Cincinnati Tunnel Bridge Com- Corporate name
and powers.
pany," with perpetual succession; and in that name
may sue and be sued, contract and be contracted
with; have, use and alter at pleasure a common seal.

§ 2. For the purpose of transporting water, gas and General purposes
and business.
electric wires from Campbell county, this State, to the
city of Cincinnati, State of Ohio, over or under the
Ohio river, said company is hereby empowered to
either contract or have constructed a tunnel under or
a bridge across the Ohio river, from any point in the
corporate limits of the town of Bellevue, in Campbell
county, to any point in the city of Cincinnati, State of
Ohio.

§ 3. If said company shall determine to construct or May construct
railroads.
have constructed a bridge across said river, it is also

empowered to build and construct, or otherwise acquire, and to operate and maintain, a like railroad or like railroads, from any street railroad, howsoever propelled, or steam railroads now in operation, or which may hereafter be in operation, in the counties of Campbell and Kenton, to and across said bridge; and may build, construct, acquire, operate and maintain, from any of such railroads a street railroad, operated by either horses or mules, electricity, cable or steam, compressed air or otherwise, to and across said bridge; and may acquire from said railroads the right to run over their tracks, but not outside the said counties of Kenton and Campbell: *Provided, however,* That said company shall only acquire the right of way over and along any street, avenue or road, in any incorporated town or city, by contract with the trustees or board of councilmen thereof, who are hereby empowered to so contract with said company.

Condemnation. § 4. That said company may acquire, by contract with the owner, of or in the mode and manner provided in an act, entitled "An act to prescribe the mode of condemning land for the use of railroads and turnpike companies," approved April 11, 1882, any land or right therein, earth, stone, gravel, sand, timber, or other material required for the site or construction of piers, approaches, abutments, toll-houses and avenues to and for the use of said bridge or tunnel, and for the site and construction of said railroads and tracks and depot buildings, machine shops, and such other purposes as may be necessary and convenient for conducting the business of the said company, and may hold, use and enjoy the same, and may sell the same and acquire other in lieu thereof in the same manner.

Tolls § 5. Said company shall have authority to charge such rates as may be agreed upon for transporting water, gas or electric wire through said tunnel or over said bridge, and authority to charge and collect fees and tolls on locomotives, cars, and all kinds

of rolling stock, and upon all street cars using or transporting over the tracks or bridge of said company, and to charge and collect tolls on all vehicles, animals or persons on foot crossing said bridge, not exceeding, however, the tolls now by law authorized to be charged for such vehicles, animals and persons by the Covington and Cincinnati Bridge Company, and also to charge reasonable rates for transporting passengers and freight over its said railroads and bridge. Any and all persons evading the payment of such fees, tolls or rates shall be subject to the same fines and penalties as are by law prescribed for the evasion of payment of tolls to turnpike companies.

§ 6. Authority is hereby given to said company to consolidate with other companies incorporated under the laws of this State or other States, for the purpose of constructing, operating and managing the said tunnel or bridge and railroads, and to assign and transfer its right to build and operate any or all said railroads, with all powers incident thereto, and to sell and convey any such road or roads it may build, with the franchises thereof; and such companies are hereby authorized to so consolidate with this, and to so acquire said rights and such roads. May consolidate with other company.

§ 7. The capital stock of said company shall not exceed two million five hundred thousand dollars, and shall be divided into shares of one hundred dollars each, transferable only on the books of the company. Any three of the incorporators may, at such time and manner as they deem proper, in the town of Bellevue, open books for the subscription of stock; and when one thousand shares shall have been subscribed, and five dollars on each share thereof paid, subscribing stockholders, or those holding a majority of such stock, shall meet and elect a board of five directors from among the stockholders, who shall serve for one year, and until their successors shall be elected, which shall be annually thereafter in the same Capital stock. Shares. Open books. Directors.

President and
other officers.

manner. The affairs of said company shall be managed by the said board of five directors, who shall, from among themselves, elect a president, and may elect, choose, appoint or employ such other officers, agents or employes as they deem proper, and shall fix their salaries or compensation; said board of directors shall prescribe the time and manner of payment of stock subscribed. The principal place of business of said company shall be in the town of Bellevue, Campbell county; stockholders shall be entitled, at all elections and meetings, to one vote for each share of stock in their names on the books of the company, and upon which all calls shall have been paid; they may vote in person or by proxy, and a majority of stock voted shall elect or carry any question before them. Stockholders may enact by-laws for the government of the company not in conflict with the Constitution and laws of the United States or this State, or in conflict with this act; and shall, from time to time, fix the capital stock of the said company not exceeding the amount herein authorized; they shall also have power to authorize the borrowing of money, and the pledge or mortgage of the property and franchises of the company to secure the same, by the board of directors; not, however, exceeding the amount of the capital stock herein authorized.

Borrow money.

Mortgage.

Private property
exempt.

§ 8. The private property of members of this corporation shall be exempt from liability for corporate debts.

§ 9. Failure to commence said bridge within three years from the passage of this act, and to complete it within five years thereafter, shall be cause for vacating this charter.

§ 10. This act shall take effect from and after its passage.

[Became a law without approval of Governor April 11, 1888.]

CHAPTER 977.

AN ACT to amend and reduce into one the several acts concerning the town of Madisonville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

ARTICLE I.

§ 1. That the boundaries of the town of Madisonville Boundary. shall be as follows: Beginning at a point two hundred poles due north from the center stone; running thence west two hundred poles; thence south four hundred poles; thence east four hundred poles; thence north four hundred poles; thence west two hundred poles to the beginning.

§ 2. The territory embraced within this boundary is hereby declared to be a town, and the inhabitants Declared a body politic and corporate thereof are created a body-corporate and politic forever, with perpetual succession, by the name of the town of Madisonville, and by that name retaining and possessing the power to sue and be sued, plead and be May sue and be sued. impleaded, contract and be contracted with; to have and use a common seal, and alter, change and renew May have a common seal. the same at pleasure; and to hold, enjoy, lease or sell, May hold, lease, buy and sell property. and dispose of any property now vested in the town of Madisonville, or in any person or corporation for the use of said town, or which may be hereafter acquired, to the intent and purposes for which the same was, is, or may be taken or granted, notwithstanding its locality; and in all suits against said In suits against the town process must be served upon the chairman of the council or clerk of the board. town, service of process shall be upon the chairman of the board of councilmen, or in his absence from said town, upon the clerk of said board.

ARTICLE II.

Distribution of the Powers of Government.

§ 1. The corporate powers of the town of Madisonville shall be divided into three separate, distinct Powers divided into three departments.

departments, viz.: Legislative, executive, and judicial: and no person or officer in one of these departments shall exercise any power properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted.

No officer of one department to exercise power in another.

ARTICLE III.

Legislative Department.

§ 1. The legislative powers of the town of Madisonville shall be vested in a board of five councilmen, to be elected by the legal and qualified voters of said town, which board shall be styled "The Board of Councilmen of the Town of Madisonville;" and said board of councilmen, and each succeeding board, shall, upon their first meeting after their election and qualification, as hereinafter provided, select by ballot one of their number to be chairman of the board of councilmen, which ballot shall be taken and the result thereof declared by the clerk of the retiring board; and the person so selected shall be styled the "Chairman of the Board of Councilmen of the Town of Madisonville."

Five councilmen.

First meeting after election to select chairman by ballot.

Result of ballot to be declared by clerk.

§ 2. No person shall be eligible as a councilman who, at the time of his election, is not a male citizen of the United States, and has not attained the age of twenty-five years, and who has not resided in the State of Kentucky two years, and in the said town one year next preceding his election, and who is not at the time of his election a *bona fide* resident of said town; nor shall any person be eligible to said position who, at the time of his election, is interested, directly or indirectly, in any contract with the town of Madisonville, or who holds any office of trust or salary in any corporation which holds any contract with said town, the terms, rates or prices whereof are subject to alteration, modification or enforcement by the board of councilmen.

Qualifications of councilmen.

§ 3. If, after election, any member of the board of councilmen shall remove from said town, or shall die,

Vacancies.

Or resign his office as councilman, or do any other act or thing which would have rendered him ineligible as a member of said board, his seat as a member of the board of councilmen shall be thereby vacated, and the remaining members of the board shall have the power and authority to declare such vacancy by proper ordinance, and supply such vacancy by the appointment of a suitable and eligible person, who shall take the appropriate oath of office, and enter upon and discharge all the duties of councilman until the succeeding annual election after such vacancy and removal shall have taken place.

Council to declare vacancies in certain cases.

How filled and for what time.

§ 4. The board of councilmen shall keep, or cause to be kept, a correct journal of their proceedings; and immediately after adjournment of each session of said board, may cause the proceedings of that meeting to be published in some newspaper printed and published in the town of Madisonville; and all ordinances passed and enacted during the year, and unrepealed at the end of the term of each board of councilmen, may then be published for the use of the incoming board of councilmen, and for such distribution as the board may prescribe by ordinance.

Board of councilmen to keep a journal.

May publish proceedings and ordinances.

§ 5. The board of councilmen of Madisonville, as often as they may think it advisable so to do, may cause all general ordinances enacted for the government of the town to be digested and printed in pamphlet form, with proper marginal references and a general index.

May publish a digest of all general ordinances in pamphlet form.

§ 6. The board of councilmen shall meet on the first Monday in each month, and oftener if the interest of the town requires it. They shall determine the rules of their own proceedings. They shall designate by ordinance the place of their regular meetings.

In relation to meetings.

§ 7. The board of councilmen shall not be entitled to receive exceeding two dollars per day each for each day they may be in attendance at the meetings of said board.

Pay of councilmen.

Quorum. § 8. A majority of the members of the board of councilmen shall constitute a quorum for the transaction of business; but a less number may meet and adjourn from day to day, and may compel the attendance of absent members, in such manner and under such penalties as may be prescribed by ordinance.

Board may prescribe rules for their proceedings. § 9. The board of councilmen may, by ordinance, prescribe the rules of their proceedings, and by proper penalties enforce the same, and punish members of said board for disorderly behavior during the sessions or meetings of said board.

Majority of entire board necessary to pass ordinance for improving streets assessing tax, etc. § 10. No ordinance for street improvements or assessing a tax against the property of any person, nor for the paying out of any money of the town, nor of a penal nature, shall have force as a law, unless the same be voted for by a majority of the entire board of councilmen, and the yeas and nays thereon recorded in the journal of the proceedings of said board.

Yeas and nays required.

One member may call for yeas and nays. § 11. Upon all questions voted upon by the board of councilmen, any member of said board shall have the right to call for the yeas and nays, and have the same recorded by the clerk in the journal in which the proceedings of said board are kept and recorded.

§ 12. The board of councilmen shall have power, within the limits of the town, in addition to the other powers granted to and vested in them by this charter—

May levy poll-tax not to exceed \$2.50. 1. To levy and cause to be collected a *per capita* or poll-tax, of not exceeding two dollars and fifty cents, upon each male inhabitant of said town over the age of twenty-one years; and upon all real and personal property in said town taxable under the general revenue laws of this Commonwealth an ad valorem tax of not exceeding one dollar on each one hundred dollars.

May appropriate money. 2. To appropriate money for the payment of the debts and expenses of the town.

3. To make regulations to prevent the introduction and spreading of contagious and infectious diseases ; to pass quarantine laws for that purpose, and to enforce the same within five miles of the boundaries of the town.

May make quarantine laws.

Have effect within five miles of town.

4. To establish hospitals and pest-houses, and make regulations and rules for the government of the same.

May establish hospitals and pest-houses.

5. To make regulations and rules to secure the general health of the inhabitants of the town.

May make regulations regarding health.

6. To prevent, abate and remove nuisances at the cost and expense of the owners or occupiers of the ground upon which the nuisance exists, and to define and declare by ordinance what shall be a nuisance within the limits of the town, and to punish by fine any person causing, keeping, erecting or committing a nuisance in said town.

May abate nuisances.

May define a nuisance.

7. To provide the town with water ; to erect hydrants, fire-plugs and pumps in the streets within or beyond the limits of the town, for the convenience of the inhabitants and the protection of their property against fire. Or they may sell, grant or lease, to any person or persons, or corporation, upon such terms and conditions as they may deem best for the interests of the town, the right and privilege to enact, establish, run and operate water-works of such character and kind as may be prescribed by proper ordinance.

May punish person committing a nuisance.

May provide water-works.

8. To open, receive, alter, widen, extend, grade, pave, gravel, or otherwise improve, clean and keep in repair the streets, alleys, avenues, lanes, public grounds and squares in the town, and to drain the streets and public places therein, and to purchase or condemn land for drainage purposes, and for opening, widening, altering, or erecting streets, alleys, avenues and lanes in the following manner, to-wit : The board of councilmen may, by ordinance or resolution, provide for the purchase, at a stated price, of any designated property for the purposes mentioned ; and the chairman of the board may tender to the owners of the property, if adults, the money at the price so fixed, and make the

May grant to any person or corporation right to erect water-works.

May alter, improve or open streets, alleys, etc.

May purchase land for drainage purposes or for opening streets, etc.

May condemn
land for drainage
purposes or
opening streets,
alleys, etc.

purchase, if assented to by the owner or owners of such property ; but if the owners refuse to sell at such price, or if they, or any of them, be infants, or otherwise incompetent to contract, the land may be condemned in proceedings for that purpose in the Madisonville police court, in the name of the town of Madisonville, against all the owners interested in said property, or any part thereof: *Provided*, That in no case shall private property be taken for such purposes without the written consent of the owner or owners thereof, or unless the compensation therefor shall be first fixed by agreement, or by an impartial jury of not less than six freeholders of the town of Madisonville, duly impaneled for that purpose by the order of the Madisonville police court, and the compensation so fixed shall be paid to the owner or owners out of the treasury of the town ; and should the final decision allow more for the property and damages than was originally offered, all costs shall be paid by the town of Madisonville ; if no more be allowed, the owner who refused such offer shall pay such costs as the court shall apportion and adjudge ; but no cost shall be allowed against infants or others incompetent to contract.

May build and
keep in repair
bridges, etc.

9. To establish, erect and keep in repair bridges, culverts and sewers, and regulate the use of same ; to erect dams, and cover them over when the interests of the town require it.

May establish
police.

10. To establish, appoint and regulate policemen, night watches and patrols, and prescribe their duties and compensation.

May erect mar-
ket-houses.
May appoint in-
spectors.

11. To enact suitable market-houses, establish market places, and provide for the government and regulation thereof, and appoint inspectors of the articles sold therein, and to provide for the condemnation and destruction of stale and unwholesome meats or vegetables.

May erect and
repair public
buildings.

12. To provide for the erection and repair of all needful public buildings for the town, and to provide

for inclosing and improving all public grounds belonging to the town.

13. To license, tax and regulate auctioneers, gro-
cers, merchants, retailers, taverns, private boarding-
houses, coffee-houses, gift stores, peddlers, brokers,
pawnbrokers, money-changers, tobacco factories, ware-
houses and public halls.

License and regulate auctioneers, etc.

14. To license, tax and regulate the sale of spirit-
uous, vinous and malt liquors, or to refuse to grant
any such license: *Provided*, That nothing in this or
the last preceding subsection shall be construed to
authorize or empower the board of councilmen to
grant license for the sale of spirituous, vinous or malt
liquors, when the granting thereof is prohibited by
any local or general law of this Commonwealth.

License and regulate the sale of spirituous liquors, etc.

15. To license, tax and regulate hacks, carriages,
coaches, omnibuses, carts, drays, wagons, and other
vehicles used for the carrying of passengers or freight
for hire.

Hacks, carts, drays, etc.

16. To license, tax, regulate and suppress theatrical
and other exhibitions, shows and amusements, cir-
cuses, menageries and museums, and impose a license
tax on any trade, business, profession or occupation
carried on and conducted within the limits of the
town.

May license or suppress shows, etc.

17. To license, tax, regulate, restrain and prohibit
billiard-tables, Jenny Lind tables, pigeon-hole-tables,
bagatelle-tables, pin-pool tables, bowling-saloons, and
ten-pin alleys.

May license billiard tables, etc.

18. To prescribe by ordinance the amount of tax
for any license authorized by this charter, and not
hereinafter fixed, any sum they may deem proper,
in their discretion, and to prescribe by ordinance
such penalties as they may deem proper, in their
discretion, against those who may fail to obtain a
license in any case wherein a license is required in
this charter, not exceeding a fine of one hundred
dollars.

May prescribe amount of tax on any license, etc.

19. To suppress gaming, drunkenness, gambling-houses, bawdy-houses, or houses of prostitution, and disorderly houses of all kinds, and to arrest and punish street-walkers.

May suppress gaming, etc.

20. To provide for the prevention and extinguishment of fire; to regulate and establish fire companies; also to establish a fire limit, and regulate and restrain the erection of wooden buildings, and to provide for the removal of the same when built contrary to the ordinances of the town; to appoint fire wardens and property guards, with full power to arrest and keep away from the vicinity of any fire occurring in said town idle or suspicious looking persons lurking near the same, and to compel any person or persons present to assist in extinguishing the fires; and to have power to compel all persons present at a fire to assist in the preservation of property exposed to damage by the fire, and to prevent the purloining or stealing goods or property at such fire, and such other powers and duties as may be prescribed by ordinance.

May establish a fire department and a fire limit and restrain the erection of wooden buildings

Appoint guards to keep away idle or suspicious persons.

Compel persons present to assist.

21. To regulate the sweeping or cleaning of chimneys, repairing flues, and to fix the fees therefor, and prescribe the manner of their collection.

Chimney sweeping, etc.

22. To regulate the storage of gunpowder, tar, pitch, resin, hemp, cotton, and all other combustible materials; and to appoint some suitable person or persons, at seasonable times, to enter and examine such houses as they may designate, in order to ascertain whether any of such houses are in a dangerous condition with reference to fires, and to cause such as are in a dangerous condition to be immediately put in secure order and condition.

Gunpowder and other combustible materials.

23. To provide for the levy and sale of personal property of all persons against whom a *per capita* or poll-tax is assessed under this charter.

Sell personal property for poll-tax.

24. To provide for and regulate the vending of meats, poultry and all such other articles of consumption, within the limits of the town, as may be enumerated by ordinance.

Meats poultry and articles of consumption in the town.

25. To erect a work-house and houses of correction, Work-house and house of correction.
and to provide for the regulation and government thereof.

26. To appoint a town auditor and treasurer, Auditor and treasurer.
prescribe his duties, fix his compensation, and provide for the payment of the same.

27. To appoint a town clerk, prescribe his duties, Town clerk.
fix his compensation, and provide for the payment of the same. The town clerk shall also be clerk of the Shall be clerk of board of councilmen.
board of councilmen.

28. To appoint a town attorney, prescribe his duties, Town attorney.
fix his fees and compensation for his services, and provide for the payment of the same.

29. To establish a board of health, appoint mem- Board of health.
bers thereof, prescribe their duties, fix their compensation, and provide for the payment of the same.

30. To appoint a town marshal, prescribe his duties, Town marshal.
fix his compensation for his services, and provide for the payment of the same.

31. To appoint a town assessor, prescribe his duties, Town assessor.
fix his compensation, and provide for the payment of the same.

32. To appoint a collector of town taxes, prescribe Collector of town taxes.
his duties, fix his compensation, and provide for the payment of the same.

33. To fix the compensation of all town officers, Compensation of officers, etc.
servants or agents, not otherwise provided for by this charter, and regulate and provide for the payment and fees of all jurors, witnesses and others for services rendered in behalf of said town under this charter, or any ordinance enacted by the board of councilmen.

34. To prevent or restrain any riot, rout, noise, Prevent disturbances and breaches of the peace.
disturbance or disorderly or unlawful assembly in any street, house or other place in said town, and for the arrest, confinement and trial of the parties committing, engaged in, or taking part in, aiding or abetting the same.

35. To prevent and remove any and all encroach-

Prevent encroachments upon streets, etc.

Change grade or width of same.

Remove at will town officers appointed by board.

Prevent training, breaking or showing horses, in streets, etc.

Punish fast riding or driving

Regulate speed and appoint signals for railroad trains, etc.

Vicious animals, may kill or remove and fine keeper.

May grant right of way over streets.

ments into or upon any street, alley, sidewalk, lane, avenue or public square established by this charter or any ordinance; to regulate, modify and change the grade and width of streets, alleys, lanes, avenues, sidewalks, pavements and sewers; and to have and exercise complete control over all public squares or commons belonging to the town, and over all property, both real and personal, belonging to the town, whether lying within or beyond the limits thereof.

36. To appoint and remove at pleasure all officers, servants and agents of the town, whom the board of councilmen have the power to appoint, except councilmen when appointed as provided in article 3, section 3, of this charter.

37. To provide for the prevention of training or breaking horses, or exhibiting stallions, jacks or bulls in any public street or place in the town; to prevent and punish fast riding and driving in buggies, hacks or other vehicles within and upon the streets, alleys, lanes and avenues of said town; and to regulate the speed of all railroad trains, cars and locomotives within the town limits, upon all railroads going from, terminating at, and passing through said town, and designate and appoint the signals to be used by the persons in charge of said railroad trains, cars and locomotives while in motion within the town limits.

38. To provide for the removal from the limits of the town, or for the killing of mischievous or vicious animals, and for the punishment, by suitable fines and penalties, of the owner or keeper of such animals for allowing them to go at large.

39. To grant the right of way over the public streets or other public grounds of the town to any railroad companies for railroad purposes, or water-works companies for water-works purposes, for such time and in such manner and on such conditions and terms as to them may seem proper and to the best interests of the town.

40. To make such rules, by-laws and ordinances, Ordinances for preserving the peace. for the purpose of maintaining the peace, good government and order of the town of Madisonville, and the trade, commerce and manufactures thereof, as the board of councilmen may deem expedient and necessary, not repugnant to the Constitution of the State of Kentucky, and to enforce the observance thereof by inflicting penalties and fines upon any Fines and penalties. person for the violation thereof, not exceeding one hundred dollars for any one offense; and to require persons against whom fines have been adjudged, and who shall fail immediately to pay or replevy same, and all costs, to work out said fine and costs upon the streets, or at such other labor as may be prescribed by ordinance, at the rate of one dollar per day, until all of said fine and costs shall be so paid; and to make all ordinances which shall be necessary and proper for carrying into effect the powers vested by this act in the corporation, the town government, or any department or office thereof; and they shall have all the powers granted to trustees of towns by the general laws of this Commonwealth.

41. To define by ordinance what shall constitute vagrancy and declare who are vagrants, and prescribe proper and adequate penalties therefor. Define and punish vagrancy.

42. To appoint annually a board of supervisors of Appoint board of supervisors. the town tax-books, to consist of three members, to prescribe their duties, fix their compensation, and provide for the payment of the same.

§ 13. All male citizens of the town of Madisonville Qualifications of voters. who shall be over twenty-one years of age, and entitled to vote for Representative, shall be entitled to vote for councilmen and other officers to be elected by the voters of said town: *Provided, however,* That before any person shall be qualified to vote, he must have paid all taxes and fines which may be due from him to the town.

ARTICLE IV.

Executive Department.

§ 1. The chairman of the board of councilmen shall be the chief executive officer of the town of **Madisonville**; he shall preside at all meetings of the board of councilmen, decide all points of order, and shall have the power, during the session of said board, to enforce good order and decorum, and to punish contempts, that presiding judges of the circuit courts have given them by law.

Chairman of board, his duties and powers.

§ 2. He may call special sessions of the board of councilmen whenever, in his judgment, it may be deemed necessary or to the interest of the town.

May call meetings of board.

§ 3. He shall see that all the laws and ordinances of the town are duly enforced and observed and faithfully executed.

Shall see that laws are enforced

§ 4. He shall be a conservator of the peace; and when deemed necessary by him to enforce the laws and ordinances of the town to save life or property or quell riots, he may summon into service any of the citizens of said town.

Shall be a conservator of the peace.

May call on citizens to assist in quelling riots.

§ 5. Should the police judge be absent at any time, or should he, for any cause, fail to preside in said court, it shall be the duty of the chairman of the board of councilmen to preside in said court as judge *pro tempore* thereof, and for this purpose only he is vested with judicial powers: *Provided*, That he shall not act as judge *pro tempore* of said court, or preside in said court until he shall have taken the several oaths which the judge of the police court is required by law to take, a certificate of which shall be entered upon the order-book of said court, and shall be signed by the officer administering the same.

Police judge absent, etc., chairman of board to preside.

Shall first take oaths required of police judge.

§ 6. He shall give the casting vote whenever the board of councilmen be equally divided upon any question or ordinance.

Shall give casting vote in case of a tie.

§ 7. In case of the death, resignation, removal from office, inability, refusal to act, or temporary absence

Vacancies, how filled.

of the chairman, the members of the board shall elect one of their number as chairman *pro tem.*, who shall exercise the powers and discharge the duties of chairman until the disability be removed, or the time for which he shall have been elected shall have expired.

ARTICLE V.

Judicial Department.

§ 1. The judicial powers of the corporation shall be vested in, and executed by, a court to be styled the police court of Madisonville, which shall be held by a single judge, to be styled the police judge of the town of Madisonville, which court shall have a marshal, to be styled the marshal of the town of Madisonville, whose qualifications shall be those of a sheriff; and said judge shall be elected by the qualified voters of the town at the court-house in Madisonville, Kentucky, and he shall hold his office for a term of four years, and until his successor is elected and qualified. And the said marshal shall be appointed by the board of councilmen as provided in subsection 30, section 12, article 3, of this charter, and shall hold his office for a term of two years, and until his successor is appointed and qualified: *Provided*, He shall be subject to removal at any time as provided in subsection 36 of section 12, article 3, of this charter.

Judge, how
elected.

Term, 4 years.

Marshal to be
appointed by the
board of council-
men.

Term, 2 years.

Subject to re-
moval at the
pleasure of the
board of council-
men.

§ 2. The police court of Madisonville shall have exclusive original jurisdiction of all prosecutions and penal actions for the violation of the ordinances of said town, and concurrent jurisdiction with the Hopkins circuit court, justices' courts, and other courts in Hopkins county, of all prosecutions for misdemeanors and penal actions, for violations of the penal laws of the Commonwealth of Kentucky, committed within the limits of said town, when the fine or penalty is limited to one hundred dollars. All fines imposed and forfeitures incurred for violations of the ordinances of the town, when collected, shall be

Jurisdiction of
police court.

Fines to be paid
into town treas-
ury.

Police court may take recognizances, forfeit same and pronounce judgment thereon

paid into the town treasury. The police court shall have power and authority to take recognizances from persons charged with offenses cognizable before said court, to appear and answer the same that circuit courts have, and like power to take the same as forfeited, and pronounce judgment thereon, and to enforce full compliance with the same when the amount of such forfeiture does not exceed one hundred dollars; and shall have the power and jurisdiction of justices of the peace as an examining court.

Power and jurisdiction as an examining court.

Fees.

For all services performed by him under the laws of this Commonwealth or the ordinances of the town, he shall be allowed the same fees as are allowed by law to justices of the peace for like services, and such other fees and allowances as may be allowed by ordinance.

To have concurrent jurisdiction with circuit courts in cases of vagrancy.

§ 3. The police court shall have concurrent jurisdiction with circuit courts of all cases of vagrancy arising within the town limits.

Judge shall be a conservator of the peace.

May order arrests without warrant.

§ 4. The judge of the police court shall be a conservator of the peace, and may issue warrants of arrest for all offenses against the laws of the State or ordinances of the town, and for those committed in his presence may order arrests without warrant.

Police court to be held, when.

Stated terms for the sessions of the police court.

Police court for trial of civil causes not to be held oftener than quarterly.

§ 5. The police court shall be held at such place, within the town, as the board of councilmen may designate; or should the said board fail to provide and designate a suitable place for holding said court, then it shall be held at such place as the judge may select; and the judge of said court shall fix stated terms for the session of said court, not exceeding one such term per month, to which penal and civil process shall be returnable: *Provided, however,* That it is not the intention of any part of this article to give, and it shall not give, the police court the right to hold courts oftener than quarterly for the trial of civil causes.

Shall be a court of record and judge to be his own clerk.

§ 6. The police court of Madisonville shall be a court of record, and the judge thereof shall be his own clerk. Certified copies of the records of said court, over the

signature of the judge thereof, shall be evidence in any court of this Commonwealth.

§ 7. All proceedings and process from the police court, when the fines are imposed under the laws of Kentucky, shall be in the name of the Commonwealth of Kentucky; and when the fines and penalties are under the ordinances of the town, proceedings and process shall be in the name of the board of councilmen of the town of Madisonville. The process shall be made returnable to the police court, and may be directed to the marshal of the town; but the judge of said court may direct the process from said court to any sheriff, constable, or policeman in the State of Kentucky; and the person executing the process of said court shall be entitled to the same fees as sheriffs would be for like services, and shall be subject to the same fines and penalties for neglecting, failing or refusing to execute said process, recoverable in the same manner as sheriffs would be subject to under the laws of this State for failing to execute similar process from a circuit court.

Proceedings in the name of the Commonwealth of Kentucky.

In the name of the board of councilmen of the town of Madisonville.

Process returnable to the police court.

To whom directed.

Fees for service.

Fines and penalties for failing to execute process.

§ 8. The Civil Code of Practice shall govern and control the proceedings in all civil causes tried in the police court of Madisonville, and the Criminal Code of Practice shall govern proceedings in all criminal and penal causes in said court.

In what proceedings the Civil Code of Practice shall govern.

The Criminal Code of practice.

§ 9. All fines and forfeitures recovered in the police court shall be collected by the town marshal or other officer to whom execution or *capias pro fine* is directed, and to be paid by him to the town treasurer or other person entitled thereto; but before the issual of the execution or other final process, the defendant may pay the fine or forfeiture to the judge of the police court, who shall pay the same to the town treasurer or other person entitled thereto.

Fines and forfeitures, by whom collected.

To whom paid.

Fine or forfeitures may be paid to police judge, when.

§ 10. The defendant shall have the right at any time to replevy for three months any judgment, fine or forfeiture of the police court, or writ of execution or other final process thereon, by giving bond, with

Defendant may replevy judgment, fine, forfeiture, writ of execution or other final process, when and how.

good security, in the same manner as allowed by law in similar cases in favor of the Commonwealth.

ARTICLE VI.

Executive and Ministerial Officers.

Qualifications for the offices of town attorney, marshal, clerk, collector of taxes, assessor, auditor and treasurer.

§ 1. No person shall be eligible to the office of town attorney, marshal, clerk, collector of taxes, assessor, auditor or treasurer who is not, at the time of his appointment, a qualified voter in said town; and no person shall be eligible to the office of town attorney unless he shall have been a licensed and practicing attorney for at least two years next preceding his appointment.

Auditor and treasurer to be appointed by board.
To give bond.
To be known as treasurer of the town of Madisonville.

§ 2. The board of councilmen shall appoint one of the members of said board auditor and treasurer, who shall give bond, with such security and in such penalty as they may direct. He shall be known as the treasurer of the town of Madisonville.

Appointment of clerk.
To give bond.
How known.

§ 3. The board of councilmen shall appoint one of the members of said board clerk, who shall give bond, with such security and in such penalty as they may direct and approve. He shall be known as the clerk of the town of Madisonville.

Person aggrieved by officer of the town may institute suit on covenant, in what court.

§ 4. Any person aggrieved by the acts or omissions of either of the officers mentioned in the two last preceding sections of this article, may institute suit on such covenant in the Hopkins circuit court, or any other court having jurisdiction of the amount claimed, and the covenant shall not be satisfied or void upon the first or any other recovery until every person aggrieved may have been recompensed.

Failure of officer to execute bond, board to appoint another person.

§ 5. Upon the failure or refusal of either of said officers to execute the covenant hereinbefore provided, within thirty days after his appointment, the board of councilmen shall appoint another person to fill the office of auditor and treasurer, or clerk, as the case may be, who shall execute bond as above required.

§ 6. It shall be the duty of the marshal of said

town to attend all meetings of the board of councilmen, and to attend all sessions of the police court; he shall, within the limits of the town, in all matters of a criminal nature arising under the ordinances of the town or under the laws of this Commonwealth, possess the same powers and perform the same duties as sheriffs and constables; he shall execute all process, civil or criminal, issued and directed to him by the chairman of the board of councilmen, the police judge, the presiding judge of the Hopkins county court, or any justice of the peace for said county; he shall collect and pay over to the parties entitled thereto all executions, and make due return of all process to him directed by any of the officers above named, in the same manner and under the same responsibilities and penalties as sheriffs and constables are by law authorized and required to do. His powers for discharging his official duties shall be co-extensive with Hopkins county.

Duties of marshal.

Jurisdiction co-extensive with Hopkins county.

§ 7. He shall be entitled, as compensation, to the same fees allowed by law to sheriffs and constables for similar collections, which may be enforced as provided by law for the collection of sheriff's and constable's fee bills; for other services he shall receive such fees and compensation as may be designated by ordinance.

Fees of marshal.

How enforced.

§ 8. He shall perform such other duties not inconsistent with this charter, and make such other returns and reports of his acts, as may be prescribed by ordinance, and as are also hereinafter prescribed.

Further duties of marshal.

§ 9. He shall, before entering upon the duties of his office, execute a covenant to the town of Madisonville, with good security, to be approved by the board of councilmen, conditioned that he shall well and truly discharge all the duties of his office, and pay over to such persons as are entitled to the same all moneys that may come to his hands as marshal.

Marshal to give bond.

Conditions thereof.

§ 10. Any person injured by a breach of the marshal's covenant may, in any court having jurisdiction, prosecute suit or motion thereon against the

Person injured by breach of bond may prosecute suit or motion thereon.

marshal and his sureties, as now provided by law for sheriffs and constables ; and the covenant shall not be satisfied or void upon the first or any other recovery, until every person aggrieved by the acts or omissions of the marshal may have been recompensed.

§ 11. The marshal shall enter upon the duties of his office the first Monday in September next succeeding his appointment.

When marshal
to enter upon the
duties of his
office.

§ 12. It shall be the duty of the town auditor and treasurer to receive and safely keep all moneys belonging to the town, and to pay out the same under appropriations made by the board of councilmen, and upon orders of said board certified by the clerk. He shall keep a fair and accurate account of all receipts and expenditures of the town, showing when, from whom, and on what account said moneys were received, and when, to whom, and on what account the same were paid out ; and he shall make out and exhibit to the board of councilmen, at the regular meeting in July in each year, a full statement of the receipts and expenditures of the town, showing from whom money has been received and to whom paid during the previous twelve months, and of the state and condition for the time being of the treasury and the fiscal concerns of the town, which report may be published as the board of councilmen may prescribe. He shall perform such other duties as may be required of him by ordinance, not inconsistent with this charter ; he shall receive for his services such compensation as may be provided by ordinance ; he shall, before entering upon the duties of his office, execute a covenant to the town of Madisonville, to be approved by the board of councilmen, in such penalty and with such surety as may be prescribed by ordinance, conditioned for the faithful discharge of his official duties ; the sureties on such bond shall be good for twice the amount of public money which will come to his hands during the term of his office.

Duties of town
treasurer.

Compensation of
treasurer.
To give bond.

§ 13. Any person aggrieved may institute suit on

the covenant in the Hopkins circuit court, or any other court of Hopkins county having jurisdiction of the amount, against the treasurer and his sureties, and the covenant shall not be void or satisfied until every person aggrieved may have been recompensed.

Person aggrieved may institute suit on covenant.

§ 14. The treasurer, upon the expiration of his term of office, or upon his resignation or removal, shall deliver to his successor, or to such person as the board of councilmen may direct, all the public money, books, property or effects under his control belonging to the town of Madisonville.

Treasurer to deliver to his successor all moneys, books, property and effects of the town.

§ 15. It shall be the duty of the assessor to make out a full report of each separate article of property subject to taxation, and the owner thereof, in alphabetical form, and of all male persons over the age of twenty-one years residing in the limits of the town.

Duties of assessor.

Said list or assessment shall be made as if taken on the tenth day of January in each year, except merchants, grocers and dealers in goods, wares and merchandise in said town, who shall be assessed as of date the tenth day of April in each year; he shall report all persons who shall fail or refuse to give a list of his or her taxable property, after being duly called on for that purpose, or who have given in a false or fraudulent list; the reports to be made to the regular or called meeting of the board of councilmen in the month of May in each year; and perform such other duties as may be required of him by ordinance. He shall receive as compensation for his services such sums as the board of councilmen may by ordinance prescribe, to be paid out of the treasury of the town.

Assessment as of January 10th in each year, except merchants, grocers and dealers in goods, wares and merchandise who shall be assessed as of April 10th in each year.

Compensation of assessor.

§ 16. All officers of the town of Madisonville, before they enter upon the execution of the duties of their respective offices, shall, in addition to the oath prescribed by the Constitution and laws of this Commonwealth, take in substance the following oath or affirmation: "I do solemnly swear (or

Oaths of officers.

affirm) that I will faithfully perform the duties of the office of — of the town of Madisonville, according to law."

§ 17. The oath of office may be administered by any officer of this Commonwealth who is authorized to administer oaths, and the certificate thereof shall be noted on the journal and filed with the records of the town.

ARTICLE VII.

Elections.

§ 1. All elections provided for by this charter shall be held by the clerk of the board of councilmen, and shall be held at the court-house in the town of Madisonville.

§ 2. All elections under this charter, by the qualified voters of the town, shall be *viva voce*: *Provided*, That dumb persons entitled to suffrage may vote by ballot.

§ 3. All elections by the qualified voters of the town shall be held between the hours of six o'clock, A. M., and seven o'clock, P. M.

§ 4. All laws in force in this Commonwealth punishing illegal voting at State elections shall apply to all illegal voting in the town of Madisonville for any town office, subject to all the provisions of this charter touching the qualifications of the voter.

§ 5. All vacancies in elective offices shall be filled by the board of councilmen at their next stated or called meeting after such vacancy shall have occurred, and such appointee shall hold his office until the next general election for the board of councilmen, unless removed as provided by this charter.

§ 6. The board of councilmen shall judge the qualifications, elections and returns of its members; and cases of contested elections for any town officer shall be heard and determined by the board of councilmen, under such rules as may be prescribed by ordinance.

§ 7. The town clerk shall, immediately after his

By whom administered.

Elections, by whom held and when.

Elections, viva voce.
Dumb persons may vote by ballot.

Elections to be held between 6 a. m. and 7 p. m.

Illegal voting.

Vacancies, how filled.

Qualifications of members of the board to be judged by the board.
Contested elections to be heard and determined by board.

appointment, certify to the Secretary of the State the name of the person elected judge of the police court, and the Governor of this Commonwealth shall issue a commission to said officer.

Town clerk to certify election of police judge to Secretary of State. Governor to issue commission.

§ 8. The first general election under this charter shall be held on the first Monday in August, 1838, at which time there shall be elected by the qualified voters of the town all officers directed by this charter to be elected, who shall hold their offices and perform their duties according to the provisions of this charter. All officers to be appointed by the board of councilmen under this charter shall be appointed at the first meeting of such board in the month of September in each year.

First general election under this charter, when held. Officers to be then elected.

Appointment of officers by board, when.

§ 9. The several officers now holding office in the town of Madisonville shall continue to hold their respective offices until the time for which the first general election is required to be holden, as provided for in this charter, and until their successors are elected and qualified; but in the discharge of the duties of their offices shall be governed by this charter from and after the date fixed herein on which the same is to go into effect.

Present officers to continue to hold their offices until, etc.

ARTICLE VIII.

Revenue, Taxation and Assessments.

§ 1. The board of councilmen shall have power annually to cause to be assessed, as hereinbefore directed in regard to the duties of the town assessor, at its fair cash value, such real and personal estate in the town of Madisonville as is subject to taxation under the general revenue laws of this Commonwealth; and in like manner shall cause to be listed all male inhabitants of said town of the age of twenty-one years and upwards; and shall have power annually to levy and collect an ad valorem tax of not exceeding one dollar on each one hundred dollars of property assessed as aforesaid; and also to levy and collect a poll-tax, of not exceeding two dollars and fifty cents each, on the

Board of councilmen to cause assessment of tax.

Ad valorem tax not to exceed \$1.

Poll-tax not to exceed \$2.50.

Taxation to be equal and uniform.

inhabitants, to be listed as aforesaid ; but such taxation shall be uniform and equal on every description of property assessed, and upon all inhabitants listed as aforesaid.

Board of supervisors, appointment, qualifications and duties.

§ 2. The board of councilmen shall, at the regular, or a called meeting in the month of May in each year, appoint three discreet citizens of said town a board of supervisors of tax, who, after being duly sworn faithfully to discharge the duties assigned them according to law, shall meet at such time and place as may be designated by ordinance, and examine with care the assessor's report of taxable property returned for that year, and correct any errors of the assessor, whether in fact or in relation to the value of the property listed ; and in cases where they shall be of the opinion that any property has been incorrectly valued, they shall correctly fix its value ; but they shall not increase the valuation made by the assessor without summoning the owner, if a resident of the town, before them to show cause why the change should not

Duty of assessor to attend sessions, etc

be made. It shall be the duty of the assessor to attend the sessions of the board of supervisors, and give evidence and information concerning the business before them, upon oath when required ; and said

Supervisors may compel attendance of witnesses.

board shall have power to compel the attendance and examination of witnesses before them, to enable them to discharge their duties. They shall keep a record

Shall keep a record and make report to board of councilmen.

of their proceedings, and correct the tax-books thereby, and shall make a full report of their acts to the board of councilmen.

Town to have a lien on all property assessed for payment of tax.

§ 3. For all taxes levied as hereinbefore authorized, the town of Madisonville shall have a lien relating back to the day when the assessment should commence upon all real and personal estate therein belonging to persons or corporations owing such taxes: *Provided*, That purchasers of property owing taxes shall be liable only for taxes upon the property purchased.

§ 4. The town clerk shall, within thirty days from the time the tax shall have been approved by the

board of supervisors, make out therefrom an alphabetical list of all persons liable for tax, with the number of levies and aggregate value of each person's taxable property and the amount of tax due thereon; and having certified the same over his signature to be correct, shall deliver the same to the collector of town taxes, and take his receipt for the same, and said taxes shall then be due and collectable.

The town clerk shall make out and deliver to the town collector, an alphabetical list of persons liable for tax.

§ 5. The town collector shall, at or before the regular meeting of the board of councilmen in the month of May in each year, execute covenant to the town with good security, to be approved by the board, conditioned that he shall, during the next twelve months, collect, account for, and pay into the town treasury, and to other persons entitled thereto, according to law and the ordinances of the town, all taxes and public dues collected or received by him.

Town collector to execute covenant.

§ 6. The sureties in such covenant shall be jointly worth, after the payment of all their debts and liabilities, a sum equal to twice the aggregate amount of the revenue to be collected for the year.

Sureties to be worth twice amount of revenue to be collected.

§ 7. The town shall have a lien, from the date of said covenant, upon all property, real or personal, subject to execution belonging to the town collector and his sureties, which shall not be discharged until the collector obtains a quietus for all the revenue and public dues for which he is bound. The obligors in said covenant, their devisees, heirs, executors, or administrators, may be made liable by suit in the Hopkins circuit court, jointly or severally, for a breach of the same, until the whole of the amount or amounts of the collector's liabilities shall be discharged, and said lien may be enforced by suit at law or in equity.

Town to have a lien on all property subject to execution, belonging to the collector and his sureties.

§ 8. The town collector shall account for and pay into the town treasury all taxes and other public moneys for which he is bound as soon as he collects same; and he shall collect same within such time as may be prescribed by ordinance.

Collector shall pay into town treasury all moneys as soon as collected by him.

§ 9. The town collector shall, from and after the

Collector may
distrain personal
property for
taxes.

day he receives the tax-book in each year, proceed to collect the taxes due the town ; and, upon failure of any person bound therefor to pay the same, may distrain the personal property owned by, or in the right-ful possession of, the person from whom the tax is due, notwithstanding the existence of any lien upon the same ; and may proceed to sell the title of such person, or so much thereof as will pay the tax due, and all costs and expenses of sale ; the sale must be for cash, and be made at the door of the court-house, public notice of the time and place of sale having been first posted in three or more public places in said town for five days previous to the day of sale. If the collector make illegal or unreasonable seizure and distress for taxes, he shall be liable in damages to the person aggrieved.

Sales shall be for
cash and at the
court-house door
after five days'
notice.

Collector liable
for illegal seizure.

When and how
real estate may
be sold for taxes.

§ 10. If there be no personal estate which the collector can distrain for tax due on real estate, or if the personal estate found be insufficient to pay the whole of such tax, and the owner of the land or lot shall fail to pay the same by the thirtieth day of December of each year in which such tax is due, the town collector shall, on the first day of some county or circuit court thereafter, at the door of the court-house of Hopkins county, and thence from day to day until completed, proceed to sell the land and town lots, or so much thereof as may be necessary to pay the tax thereon, together with ten per cent. penalty, and the costs and expenses of the sale, to the highest bidder for cash ; and the time, place and terms of sale, together with a statement of the names of the owners or occupants, number or description of the lot, and the amount of tax and penalty due thereon, shall be published by two insertions in some weekly newspaper published in the town of Madisonville ; or if there be no such paper published in said town, then by printed or written advertisements posted at the court-house door and two other public places in the

town for not less than fifteen days before the day of sale.

§ 11. The collector, as soon as practicable after making any sale of real estate for taxes, shall make a full report of his proceedings to the board of councilmen, including in said report a list of the property sold, and of the names of the owners or occupants of the property, names of the purchasers, amounts for which the property sold, and a description of the property; and he shall also hand in with the report a copy of the newspaper containing the advertisement, or of the printed or written notices advertising the sale, with the certificate of the printer or publisher, showing the time when the advertisement was printed; which certificate shall be sworn to by said printer or publisher, before some justice of the peace for Hopkins county; and the collector shall make oath before some justice of the peace for said county that he has complied with all the requirements of this charter and the ordinance of the town in relation to the sale of real estate for taxes, which affidavit shall form part of the collector's report.

Collector to report sales, &c., to board of councilmen.

§ 12. The board of councilmen may designate any officer of the town to attend all sales of property sold for taxes due the town, who shall, if no other person will bid an amount sufficient to pay the taxes and all fees and costs and penalties accrued, be authorized and empowered to bid in the property for the town.

An officer of the town may be designated to bid in the property.

§ 13. All lands and town lots sold by the collector for taxes may be redeemed by the owner or his representatives at any time within two years from the day of sale, the amount of the purchase money, and interest thereon at the rate of twenty per cent. per annum from the day of sale until redeemed. If the purchaser or his representatives refuse to accept same when tendered, or do not reside in Hopkins county, or cannot be found therein, the owner of property may make affidavit of the fact, and pay the amount

How and when property sold for taxes may be redeemed.

of purchase money, with interest as aforesaid, to the town treasurer, who shall pay same to the person entitled thereto. The town treasurer shall give to any owner paying any purchase money and interest aforesaid a receipt, and the owner shall lodge said receipt and affidavit with the town clerk, who shall file same with the collector's report of the sale. An owner redeeming from a purchaser shall take the receipt of the purchaser for the redemption money, and lodge the same with the town clerk, who shall file same with the collector's report of the sale: *Provided*, That infants, married women, and other persons laboring under legal disabilities, shall have one year after the removal of such disabilities in which to redeem their lands, upon the same terms and in the same manner herein provided for adults.

How the title to property sold for taxes is to be conveyed.

§ 14. The collector who sells lands or town lots for taxes, or his successor, must convey the title sold to the purchaser or his assignee, or his heirs or devisees, if the same is not redeemed as herein provided; and the collector making the sale may make this deed after his term of office has expired. The deed shall be acknowledged before the clerk of the Hopkins county court, and be recorded in his office, and shall pass to the purchaser a perfect title.

Collector entitled to a credit on the tax list in certain cases.

§ 15. If any person bound for tax shall be insolvent, or shall have removed out of the county of Hopkins with his estate after he was assessed for tax, and before a sufficient time to collect it had elapsed, the collector shall, at the regular meeting of the board of councilmen in the month of July in each year, return a list of such persons and the amount of tax assessed against them, and whether they have removed or are insolvent, and make oath to the same, which list the board of councilmen shall examine, and shall strike therefrom those whose taxes could have been collected by the collector by reasonable diligence, and for the balance of tax on such list the collector shall be entitled to a credit in his settlement with the town.

ARTICLE IX.

Miscellaneous Provisions.

§ 1. All ordinances of the town of Madisonville, heretofore adopted by the board of councilmen of said town, and now in force, and not in conflict with this charter, shall continue in force until repealed by the board of councilmen; and all laws vesting rights in or imposing duties upon the town of Madisonville, not herein annulled or repealed, shall remain in force until specially repealed by the board of councilmen.

All ordinances now in force not in conflict with this act, to continue in force until repealed.

§ 2. The recognized records of the trustees of the town of Madisonville and the board of councilmen of the town of Madisonville, remaining in the proper offices, are hereby declared to be public records, and copies thereof shall be evidence in all the courts to the same extent that the originals would be on due proof, and the keeper of such records may be entitled to fees for copies of the same, to be prescribed by ordinance. All bonds and contracts executed to the town previous to the taking of effect of this charter shall remain in full force.

Records declared public records.

Bonds and contracts to remain in force.

§ 3. This charter shall go into effect and be in full force as a law on and after its passage, and thereafter be the charter of the town of Madisonville; but the several officers now in office under the government of said town shall continue to hold and discharge the duties of their respective offices during their respective terms, and until the election and qualification of officers as provided in this charter; and all acts and parts of acts heretofore enacted, coming in conflict with this act or any provisions thereof, are hereby repealed.

[Became a law without approval of Governor April 11, 1888.]

CHAPTER 978.

AN ACT to amend an act, entitled "An act to establish a road law for Boyd county," approved March 15, 1886.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to establish a road law for Boyd county," approved March 15, 1886, be, and the same is hereby, amended as follows: By striking out from the first line of section 21 the word "eight," and all the words following the word "provided," first occurring in said section, and enacting in lieu thereof the words, "That no person shall be required to labor more than two days in any one year."

§ 2. This act shall take effect from its passage.

[Became a law without approval of Governor April 12, 1888.]

CHAPTER 979.

AN ACT to amend an act, entitled "An act to authorize the city of Owensboro to subscribe stock to the Vincennes, Oakland City and Owensboro Railroad Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to authorize the city of Owensboro to subscribe stock to the Vincennes, Oakland City and Owensboro Railroad Company," approved March 7, 1888, be so amended as to authorize the city of Owensboro, instead of subscribing for stock in said railroad company, to donate a sum equal to two (2) per centum on the assessed value of the taxable property of the city of Owensboro, to be ascertained by the assessor's book of the city delivered to the collector of the city for the year 1888, to be collected and paid in four (4) equal annual installments after the said railroad shall have been completed, and trains running regularly between the

city of Vincennes, in the State of Indiana, and the city of Owensboro, in the State of Kentucky, to be collected and paid as provided in section 3 to which this act is an amendment.

§ 2. *Be it further enacted*, That said donation shall not be made until the proposition to make said donation shall have been submitted to the legal voters of the city of Owensboro, and approved by a majority of said voters as provided in section 2 of the act to which this act is an amendment.

§ 3. This act shall take effect from the date of its passage.

Approved April 12, 1888.

CHAPTER 981.

AN ACT to amend an act, entitled "An act to incorporate the Cumberland River and Tennessee Railroad Company," approved May 12, 1884.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the name of the Cumberland River and Tennessee Railroad Company, incorporated by an act of this General Assembly, approved May 12, 1884, be, and the same is hereby, changed to that of the Cincinnati, Alabama and Atlantic Railroad Company; and in the latter name said company shall have all the powers, rights and privileges that are conferred by the act incorporating said company: *Provided*, That said railroad company shall sell all lands and other property acquired by them, and which may not be necessary for the operation or construction of said railroad, within five years after the completion of the road through the counties within which said property is situated: *And provided further*, That work shall be commenced on said road within two years, and not less than ten miles thereof shall be completed during

each succeeding year ; in default of which, the charter shall be forfeited as to the uncompleted portion.

§ 2. That section one (1) of said act be so amended as to empower said company to construct, maintain and operate a railway, from any point on the Cincinnati Southern Railway, in Pulaski county, and from thence through the counties of Pulaski, Wayne and Clinton, to the Tennessee State line, with either broad, standard or narrow-gauge tracks.

Section 1 of Act
1884, amended.

Operate railway
through Pulaski,
Wayne and
Clinton counties.

May consolidate
with other com-
pany.

§ 3. Said company is authorized to consolidate with any railroad company organized under or empowered by the laws of Tennessee to construct, maintain and operate a railway; and said consolidated company shall have all the rights and privileges granted to the said Cincinnati and Birmingham Railroad Company by this act and the one to which this is an amendment. Said consolidated company shall be managed and controlled by a board of directors to be elected by the company after such consolidation, and by such officers and agents as said company may provide for by its by-laws necessary for the construction, maintenance and operation of its railway.

§ 4. This act shall take effect and be in force from and after its passage.

Approved April 12, 1888.

CHAPTER 982.

AN ACT for the benefit of W. R. Johnson, sheriff of Hickman county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That W. R. Johnson, sheriff of Hickman county, be, and he is hereby, granted the further time of two years from the passage of this act for the collection of all tax due him as such sheriff; and that all

power necessary for the collection of said tax is herein granted.

§ 2. This act to take effect from and after its passage.

Approved April 12, 1888.

CHAPTER 983.

AN ACT to amend an act, entitled 'An act to incorporate the Mercantile Bank and Saving Association,' approved May 10, 1884.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for this corporation to proceed to do a banking business whenever two thousand shares of capital stock shall be subscribed and paid for in full; the board of directors shall sign a certificate stating that fact, and such certificate shall be published for two days in some daily paper issued in the city of Louisville; and so much of section 3 of the charter of said bank as contravenes this provision is hereby repealed.

May do banking business when two thousand shares are paid for.

§ 2. The said bank, in organizing a savings department, may issue shares or certificates of stock on behalf of its savings department, upon such terms and in such amounts as the directors may provide; and they may be made redeemable or retirable at any given periods; may pass by written assignment, and to bear a rate of interest not exceeding four per cent., payable at such times as therein prescribed. The deposits and accounts and investments of the savings department shall be kept separate and apart from the other department of said bank; but all surplus arising from the said department, after payment of interest on deposits and guarantees of stock certificates, shall belong to the corporation, and may be carried to surplus or be distributed as dividend.

May issue certificates of stock.

§ 3. The name of said corporation is hereby changed to that of the State Bank of Kentucky; and by such

Change of name.

name shall have all the powers and rights of the original and amended acts of this corporation ; and the capital stock of said bank may be increased, as provided in the charter, to any amount not exceeding two million of dollars ; and may organize branches in the city of Louisville or elsewhere, upon such terms and under such regulations as the board of directors may authorize, declare and direct ; and said bank may consolidate with any bank authorized or doing business under a charter granted by the State of Kentucky, and such consolidation may be carried out upon such terms as may be approved by a majority of the stockholders of said corporations so consolidating.

§ 4. This act shall take effect from and after its passage.

Approved April 12, 1888.

CHAPTER 984.

AN ACT to amend an act, entitled "An act to regulate subscriptions to the capital stock of railroad companies in Clark county "

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section 1 of an act, entitled "An act to regulate subscriptions to the capital stock of railroad companies in Clark county," approved April 24, 1882, be amended by adding thereto the following words, viz: *Provided, however,* That this act shall not apply to any subscription to the capital stock of the Kentucky Union Railway Company: *Provided,* The amount of stock subscribed does not exceed the sum of one hundred thousand dollars: *And provided further,* That said subscription is made on condition that the work on the extension of said road beyond its present termini shall be begun within twelve months from the passage of this act: *And provided further,* That no part of said subscription shall be payable

until the said road shall be completed so that a train of cars shall pass over the same in a continuous line from Winchester, in Clark county, to the line of Breathitt county: *And provided further,* That said road shall be so completed within three years from the passage of this act: *And further provided,* That no proposition shall be submitted to the voters in said county until approved by a majority of all the magistrates of said county in a meeting called for such purpose.

§ 2. This act shall take effect from its passage.

Approved April 12, 1888.

CHAPTER 985.

AN ACT to amend an act, entitled "An act to incorporate the town of Ezel, in the county of Morgan," approved March 6, 1882.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the town of Ezel, in the county of Morgan," approved March 6, 1882, be, and the same is hereby, amended by extending the "corporate" limits of said town east, so as to include the new cemetery lot, containing about one acre.

§ 2. This act shall take effect from its passage.

Approved April 12, 1888.

CHAPTER 986.

AN ACT to incorporate the Kentucky River, Port Royal and Hope-well Turnpike Company, and authorize a portion of Henry county to indorse the bonds of said company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the persons who reside or own property, Corporate powers and style. real or personal, in the tax-paying district hereafter

to be described, are hereby declared a body-politic and corporate, under the name and style of the Kentucky River, Port Royal and Hopewell Turnpike Company; and by that name may contract and be contracted with, sue and be sued, and do all other things necessary or proper to carry out the objects of this incorporation, and shall have perpetual succession.

Nature of business and route of road.

§ 2. Said directors, to be hereafter mentioned, shall have the right and power to construct a turnpike road from the site of Old Palmyra Church to the Kentucky river, and to run through the town of Port Royal and intersect with the Kentucky river at a distance not more than one-half a mile on either side of Lane's Landing.

Width and character of road.

§ 3. Said road-bed shall not be less than thirty feet wide, and the stone or metal thereon not less than sixteen feet wide, to be thus placed: sound stone, not less than eight inches long, and the same in width, and from one and one-half to three inches thick; foundation not less than eight inches in depth and sixteen feet in width. Said stone shall be sound, and set up on edge, with points well broken for a foundation. On top of this foundation shall be placed napped stone of a depth not less than four inches, and such napped stone shall be broken small enough to pass through a two inch ring. On this napped stone shall be placed dirt or gravel of a depth of not less than one inch, and the bed of said road, upon which is placed the stone foundation herein mentioned, shall be in all places not less than six inches higher in its centre than on its sides; that is, it shall be convex; the metal to be well shouldered or supported by earth thrown up against the sides of said road. The grades of said road shall not exceed three degrees in any part except at the river hill, and then not to exceed five degrees. Within the above limitations, the board of directors of said company may determine the manner of constructing said

LAWS OF KENTUCKY.

road, and locate the same; but it must be located within the boundary of the civil district herein mentioned as the Kentucky River, Port Royal and Hopewell Turnpike District. Wherever there is a pike at present on this road, the directors, if they deem it practicable, may use the old bed by widening it sixteen feet wide, and placing enough metal thereon to make a pike as good as it is elsewhere on said road.

§ 4. The capital stock of said company shall not exceed twenty thousand dollars. Capital stock.

§ 5. The following named persons are declared to be the directors: John Batts, Sr., Eli Corbin, Frank Peniston, Dr. W. L. Nuttall, J. J. Berry, Granville Coblin, M. B. Perry, P. J. Honaker, Jr., W. T. Hill, Ashpby Bullock, Albert Lindsey, James Mathews, W. H. Douglas. Names of directors. The above named directors are to act in this capacity for one year from the time of the voting upon this act by the tax-payers in the above mentioned districts. Said directors, after the first year, are to be elected by the tax-payers of the aforesaid district, at such place within said district, and at such time as the board of directors may select; but printed or written notices of such election must be posted in several places in said district before said election is held. There must be an election each year for directors. Majority of the directors shall transact business, and shall be convened at any time by order of the president. None but the tax-payers in this district shall be eligible as directors.

§ 6. The directors shall elect one of their members as president, and one as secretary, and one as treasurer of said road. Election of officers. Only the treasurer shall receive any compensation for any services rendered, and his compensation shall not exceed two per cent. of the money paid out by him by order of the board. He shall execute bond, with sufficient security, conditioned for the faithful performance of his duties, and the safe-keeping and proper disbursement of the funds which may

come into his hands. Said bond shall, in addition to the aforesaid conditions, contain such others as the board of directors may determine.

Management of
its affairs to be
under control of
directors.

§ 7. The business and affairs of said company, including the construction and management and repairs of said road, subject to the limitation of section third of this act, and the appointment and employment of such officers as they may deem necessary, shall be under the management and control of said directors.

Right of way.

§ 8. The said company may locate its road along and occupy such portion of the county roads and passways along and in its route as it may deem advisable, and may acquire, by gift or purchase, or may condemn lands for right of way and material for said road, either in construction or repairing it; and also ground, not to exceed two acres, for a toll-house at each gate; it may also purchase or acquire, by gift, and operate as part of its road, any part of the Port Royal Turnpike, after rebuilding the same in accordance with section 3 of this act.

Boundary.

§ 9. It shall be lawful for that portion of Henry county embraced in the following district, viz: Beginning at the Kentucky river, and at the mouth of Gullion's branch, and up said branch to Henry Mattock's, including him; thence in a south-western direction to Levi Tingle's, including him; thence in a north-western direction in a straight line to Elisha Tingle, including him; thence in a westerly direction to Dave Haydon's, including him; thence in a south-westerly direction to John Ransdell, including him; thence in a south-westerly direction to Frank Haydon's, including him; thence, following the Oram lane including all persons to the east of said lane, to an old log house west of said Oram's residence; thence in a south-easterly direction to Mrs. A. Roberts' residence, including her; thence in an easternly direction to J. Bruce's, including him; thence in a north-eastern direction, excluding John Sutton, to R. Darnell, including him; thence in a northernly direction to

Mrs. H. B. Jones, including her; thence in a north-eastern direction to P. Bryant, including him and M. O. Jenkins; thence in a northernly direction to F. Rankley, including him; thence in a straight line in a northernly direction to G. W. Jones, including him, excluding W. S. Berry; thence in a north-eastern direction to F. M. Maddox's, excluding him; thence in a northernly direction to Cane Run; thence down said stream, including all persons to the north-west of said stream, to the Kentucky river, which shall be known as the Kentucky River and Port Royal and Hopewell Turnpike District, to indorse the bonds of said turnpike company to be hereafter provided for in this act, guaranteeing the principal and interest thereof.

§ 10. If in any case said company can not obtain by Condemnation. voluntary agreement the right of way, or the material deemed by it necessary or proper for the construction or repairs of its said road, it may, by its president, apply to the Henry county court for a writ of *ad quod damnum* to assess the damages which the owner may sustain by reason of the location of said road on his or her or their premises, or because of the taking of material therefrom for the construction or repair of said road; and upon the tender or payment of the damages so assessed, it shall be lawful for the company to open and make said road, open and use rock and gravel quarries, and do all work pertaining to the construction or repairs of said road; in the assessment of the damages, the advantages and disadvantages of said road to the owner or owners of the land, or materials taken therefrom for the road, shall be taken into consideration; the proceedings in such cases and the right of appeal shall be as is provided by the general laws of this State as in cases of turnpike roads, subject, however, to the limitation of this section.

§ 11. The company shall have the right to erect toll- Toll-gates. gates not less than two and a half miles apart, and

collect tolls thereon not to exceed the rates fixed by the General Statutes. The company may contract with any one for travel over their said road, or any part thereof, by such persons, his family and servants, for a term, and may charge and receive such compensation as may be agreed on; and it may, by suit, collect from any one traveling over its road, or any part thereof, tolls for such travel, not exceeding the rates fixed by the General Statutes. If the toll-gate be erected west of Port Royal, all persons traveling on said road to and from Port Royal, and to and from the river to Port Royal, must pay to the nearest toll-gate keeper, or the directors, for such travel; and if they refuse to pay for the same, the directors can collect the same by suit. The directors can contract by month or year with such people traveling over the road as above mentioned if they see proper.

May borrow
money.

§ 12. Said company is hereby given power and authority to borrow money and create indebtedness for the construction of its road, and to receive the same; is authorized and empowered to issue bonds, bearing a rate of interest not exceeding five per cent. per annum, payable at such times and places as it may deem expedient; and to secure the payment of the bonds so issued or sold may execute, by its president, deeds of mortgage or trust upon any or all of its property, rights and franchises: *Provided, however,* That said indebtedness shall not exceed twenty thousand dollars, and that said bonds shall not mature in less than five or more than twenty years after their execution, and shall be so conditioned that they may be paid at the option of the company at any time after five years, and within twenty years from the date of their execution: *Provided further,* That the net proceeds, or the indebtedness so created, shall be used in the construction of said road and the payment of the salaries or wages of those engaged in its construction, and for no other purpose whatever.

§ 13. Upon the application in writing therefor of <sup>Election, and
how held.</sup> ten legally qualified voters, resident in said district, to the Henry county court, at any special or regular term, said court shall order an election to be held in said district to ascertain whether the legally qualified voters, resident in said district at said election, which to indorse said bonds guaranteeing payment of the principal and interest thereof to the owners or purchasers of said bonds. Said court shall give notice of the time and places of holding said election by one or more insertions of such notice in one of the county papers. Such notice shall contain a statement of the aggregate principal of the bonds proposed to be issued, and the object for which the proceeds are to be applied. Said court shall appoint the officers of election, who shall be duly sworn. They shall prepare a book, in which shall be written the names of the voters, and no one shall vote at said election unless he is, at the time he offers to vote, a legally qualified voter of Henry county, and a bona fide resident in the civil district above mentioned; and as each voter offers to vote he shall be asked, in the presence of the officers of the election holding the election at that poll, the question: Are you for the pike? If he answer yes, his vote shall be recorded in the column marked "For Turnpike;" if he answer no, his vote shall be recorded in a column headed "Against Turnpike;" and the polls to be opened at six o'clock, A. M., and closed at seven o'clock, P. M., of the day on which the election is held; the result at each poll shall be certified in writing, indorsed on the poll-book by the officers of the election acting at that poll. Said poll-books or book shall be delivered by one of the officers of the election to the judge of Henry county court, and by him filed in the clerk's office of said county. Judge and clerk of the Henry county court shall examine and compare said books, and shall so certify by indorsement thereon the result

thereof; and if it appear therefrom that a majority of the legally qualified voters have voted for the turnpike, the said judge shall cause that fact to be entered of record in the Henry county court, and such record shall be conclusive evidence that every essential proceeding condition to the guaranty by said district of the payment of the principal and interest of said bonds will be duly performed, at any time thereafter, on demand of the president of said company. Said county judge shall indorse the bonds of said company, issued in any amount stated in the notice of the election, as indorsed by the Kentucky River, Port Royal and Hopewell Turnpike District. ———, county judge ———. Dated ———; of Henry county, which, indorsed, shall pledge to the owner or holder of such bond or bonds in said district, not exempt from taxation, as security for the payment of the principal and interest thereof. The collection of said bonds or interest at maturity may be enforced by proper proceedings, or tax may be levied by the Henry county court on the property assessed in said district sufficient to pay all or any of said bonds or interest, which tax shall be collected by the sheriff of Henry county in the same manner and by the same process of law as is now provided for the collection of State taxes, the sheriff shall receive therefor in lieu of compensation. He and his sureties on his official bond shall be liable for the faithful performance of his duties in relation thereto, and to receive the said amount for the collection of said tax that he does for State tax. He shall pay the taxes so collected, less his commission, to the person or persons entitled thereto, and shall, in every year, settle his accounts in reference thereto with the Henry county court.

Tolls, how applied.

§ 14. The tolls of the road shall be applied to the keeping of said road in repair; to the payment of salaries and wages of the officers, agents and employes necessary for its operation; to the payment of the

interest on its bonds as it falls due, and to the payment of said bonds at their maturity, or within the time when the holders or owners of them can be compelled to accept payment, and for no other purpose whatever, until all said bonds are paid in full; and to this end the surplus in the treasury of the company shall, at the end of each year, be loaned out to solvent persons, in such sums, and for such times as the company may direct, who shall execute their promissory notes therefor, securing the payment of the sum by mortgage or unincumbered real estate of the cash value of at least twice the amount so borrowed. Whenever any of the bonds of the company can be paid, then so many or much of these loans as are necessary for that purpose shall be called and so applied.

§ 15. After all the bonds, with interest thereon, shall have been paid off in full, then the company shall have the option of erecting turnpikes on roads leading to this turnpike, out of the annual proceeds of said turnpikes, or said annual proceeds is to be equally distributed among the several school district.

Approved April 12, 1888.

CHAPTER 987.

AN ACT to incorporate the Fidelity Trust Company, of Bowling Green.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That James M. Holman, James Cuthbertson, Thomas C. Mitchell, A. C. Smith, Julius C. Barclay, William S. Daughtry, Frank Gerard, A. C. Wright, L. D. Rasdall, James Kirby, William L. Dulaney, John M. Wilkins, and all other persons who shall hereafter become stockholders in the company hereby incorporated, shall be a body-corporate, by the

Names of incorporators.

name of the Fidelity Trust Company, of Bowling Green; and by that name have perpetual succession, and may contract and be contracted with, sue and be sued, and have all the powers hereinafter given; and may have and use a common seal, and alter the same at pleasure.

Capital stock. § 2. The capital stock of said corporation shall consist of five hundred shares, of the value of one hundred dollars each, with the privilege to increase the same by a vote of the stockholders (those holding two-thirds of all the capital stock assenting thereto), at an annual or special meeting, to any sum not exceeding one hundred thousand dollars; and the corporators, or the majority of them named in the first section of this act, shall have power to open books for subscriptions at such times and places as they may deem expedient; and when not less than one hundred shares shall have been subscribed, and ten per centum thereon shall have been paid in (active business shall not be commenced, however, until at least ten thousand dollars shall have been paid on the capital stock), the share-holders may elect a board of not less than nine directors, who may, at any time, be increased by a vote of the stockholders owning two-thirds in value of all the stock to any number not exceeding fifteen; the directors to serve until the next annual election, or until their successors shall be duly elected and qualified; and the directors so elected of said company, when it shall have been organized, may, and they are hereby, authorized and empowered to have and to exercise, in the name and in the behalf of the company, all the rights and privileges which are hereby given; and should the capital stock at any time be increased, the stockholders, at the time of such increase, shall be entitled to a *pro rata* share of such increase upon the payment of the price fixed by the board of directors.

§ 3. The principal office of the said company shall

be in the city of Bowling Green. All the directors of ^{Office.} said company shall be citizens of the State of Kentucky and reside therein, and shall keep a record of their proceedings.

§ 4. The board of directors shall divide itself by lot ^{Board of directors.} into three classes as nearly equal as may be. The term of office of the first class shall expire at the end of one year; that of the second class at the end of two years, and that of the third class at the end of three years; and at the expiration of the first year, and annually thereafter, there shall be chosen a number of directors equal to the numbers of directors in the class whose term will then expire, who shall hold their office for three years, or until their successors are elected and qualified. Vacancies occurring in the intervals of elections shall be filled by the board.

§ 5. The directors shall elect from their number, at ^{President and vice-president.} the first meeting of the board after their election, and annually thereafter, a president and a vice-president, who shall hold their office for the term of one year, and until their successors are elected and qualified; and may appoint a secretary and treasurer, and such other officers, clerks, agents and employes as the business of the company may require. All elections for directors shall be by ballot, and every stockholder shall be entitled to one vote for each share of stock held by him; at any meeting a quorum of the stockholders shall consist of stockholders owning at least one-third in value of the capital stock.

§ 6. All lands purchased by this corporation in ^{Lands.} satisfaction of debt shall be disposed of by said corporation within five years from the date of purchase, and if not disposed of within that time, must be exposed to public sale at the end of five years from the date of said purchase.

§ 7. The board of directors shall make all by-laws ^{By-laws.} necessary for conducting the business of the corporation; the directors shall have power to require payment of the amount remaining unpaid on the

stock of the corporation, at such times and in such proportions as they shall think proper, the said assessments to be made as the by-laws of said corporation shall direct; the corporation shall have a lien on the stock for any amount that may be due thereon.

§ 8. The capital stock to the extent of ten thousand dollars, and, in the event of an increase over seventy-five thousand dollars, then one-half of the capital stock paid in, shall be invested in such securities, at such rates of interest as they promise to pay, as are authorized by law for trustees, and in mortgage on real estate in any amount not exceeding two-thirds the appraised value of said real estate, and from time to time shall be reinvested in the same, and shall be kept separate and apart from the other investments, and designated on the books of the company as "Investments of Trust Capital;" and it shall be the duty of the proper officers of the company, annually, on or before the fifth day of January, or oftener if required by the court, to file in the Warren circuit court a detailed statement, under oath or affirmation, of said investments; and said trust capital shall be specially and primarily liable for the obligations of said company as executor, administrator, guardian, receiver, assignee or trustee in any other capacity, and shall not be liable for any other debt or obligation of the company until all its liabilities in regard to its trusts as aforesaid shall have been first fully met and discharged. The residue of the capital and other money in the hands of the company may be loaned or invested in such manner as may be determined by the by-laws of the corporation (except it shall not be invested in real estate; but nothing herein shall be construed to permit said company to discount paper, or to engage in the business of banking).

*Capital stock
taken as security.

§ 9. The capital stock of said company shall be taken and considered as the only security required by law for the faithful performance of its duties, and

Other security shall not be required upon its appointments to any of the offices or duties mentioned herein, except when required by the courts, or by parties in interest; but any court having jurisdiction to make or approve such appointments shall have power, before making or approving the same, and from time to time afterwards, to examine the officers of the company under oath or affirmation as to the security aforesaid, and appoint a suitable person to investigate the affairs and management of said company, who shall report to such court the manner in which its investments are made, and the security offered to those by, or for whom its engagements are held; the expense of such investigation to be defrayed by the company.

§ 10. The said corporation may be appointed, and may act as guardian of infants, as executors of administrators or committee of lunatics, as receiver, assignee, or other trustee, whether appointed by deed, by last will and testament, by any court within this Commonwealth, or in any other manner not inconsistent with law. It may receive and hold in trust estate, real and personal, including the notes, bonds, obligations, and accounts of estates and individuals, of companies and corporations, private or public, and may, in its fiduciary capacity, purchase, collect, adjust and settle, sell and dispose of the same, in this State or elsewhere. It may act as agent or attorney in the leasing, conveying, and managing real and personal estate, receiving and collecting rents and other moneys, in the issuing and countersigning certificates of stock, bonds or other obligations of any corporation, association, or municipality, State or public authority, and may receive and manage any sinking fund therefor; and may accept and execute all such trusts of every description, not inconsistent with the laws of this State, as may be committed to it by any person or persons, or by any corporation, or by any court of record of this or any other State. It shall have a trust department, and all

its business of a fiduciary character shall be kept in a separate and special set of books.

Powers and compensation. § 11. In the exercise by said company of the powers herein authorized as guardian, executor, administrator, committee of lunatics, or of any office or duty, said company shall be subject to the same duties and responsibilities, shall have the same powers, and shall receive the same compensation as may be fixed by law with relation to individuals holding similar offices or trusts, except as herein otherwise specially provided. The exercise of the other powers, and the performance of other duties by said company, may be, as to compensation and otherwise, matters of contract with the parties interested.

Erect building. § 12. Said corporation may purchase, rent or erect, at the option of the stockholders holding a majority in value of the stock, a building containing a commodious and strong safety vault, containing a number of small compartments or boxes designed and adapted for renting to persons who desire to have a place of safe deposit for valuables; and said corporation is hereby empowered to rent out the boxes in such safety vault to such persons, and for such sums of money, and for such time, as may be agreed between such corporation and such persons as may jointly or severally rent one or more of said boxes or compartments.

Safe-keeping of valuables. § 13. Said corporation is hereby empowered to receive for safe-keeping any valuables that may be intrusted to it, receipting for the same by any of its officers designated by its by-laws to do so, and may guarantee such special deposits.

Hire boxes in safety vaults. § 14. Said corporation may, until it secures a safety vault for the valuables intrusted to it, rent or hire boxes in the safety vault of any other company or corporation, or rent a room or rooms for its use until it shall erect or purchase a building.

§ 15. Said corporation may declare and pay semi-annually dividends from the net earnings of the company; but before declaring said dividends it shall

reserve from said net earnings not less than ten per cent., and shall continue to do so until the amount thus reserved equals twenty per cent. of the paid up capital stock.

§ 16. This act shall take effect and be in force from its passage, and may continue in force for thirty years.

Approved April 12, 1888.

CHAPTER 988.

AN ACT to amend an act, entitled "An act to incorporate the Camp-ton Institute," approved April 1, 1882.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 6 of said act be amended as follows: By striking out of fifth line in said section the words "one hundred," and insert in lieu thereof the words "five hundred."

§ 2. This act shall take effect from and after its passage.

Approved April 12, 1888.

CHAPTER 989.

AN ACT to amend an act, entitled "An act to amend the charter of the city of Newport, Campbell county, providing for sewerage in said city," approved April 19, 1882.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to amend the charter of the city of Newport, Campbell county, providing for sewerage in said city," approved April 19, 1882, be, and the same is hereby, amended by adding after the words "under which the sewer is to be built," and before the words "said sewers to be built in such manner and with such materials," in the sixth

and seventh lines of the first section thereof, the words "or it may be done without such petition, if two-thirds of the members of said board of councilmen shall concur therein, on a call of the yeas and nays, which shall be recorded on the journal."

§ 2. This act shall take effect and be in force from and after its passage.

Approved April 12, 1888.

CHAPTER 990.

AN ACT to authorize and empower the Livingston county court to levy annually an ad valorem tax in said county for county purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Livingston county, a majority of the justices of the peace of said county being present and concurring therein, be, and is hereby, authorized and empowered to levy at each annual session an ad valorem tax of not exceeding ten cents on each one hundred dollars' worth of taxable property in said county in any one year; and the money, when so raised, to be applied to the general expenses of said county. Said tax shall be collected by the sheriff as the other taxes are now collected; and the sheriff of said county shall be accountable for the same on the bond that he executes annually for the collection of the county levy tax for each year.

§ 2. This act shall not be construed so as to prevent the county court from levying an ad valorem tax, as now authorized by law, for the purpose of paying the amount due W. W. Stewart by said county.

§ 3. This act shall take effect from and after its passage.

Approved April 12, 1888.

CHAPTER 991.

AN ACT to amend an act, entitled "An act to incorporate the White Chimney and Stony Creek Turnpike Road Company, in Nicholas county," approved April 3, 1884.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to incorporate the White Chimney and Stony Creek Turnpike Road Company, in Nicholas county," approved April 3, 1884, be so amended that the board of directors of said company may, if they deem it best, in locating said pike, follow the route now prescribed by the charter from the White Chimney to a point near Robert Kincart's house; thence by the most practicable route, by way of Thomas Vaughn's and E. C. Hughes, to a point at or near W. J. Hughes' house on the pike leading from the Blue Lick Springs to Park's Ferry.

§ 2. This act shall take effect and be in force from and after its passage.

Approved April 12, 1888.

CHAPTER 992.

AN ACT for the benefit of J. J. White, late sheriff of Campbell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That J. J. White, late sheriff of Campbell county, be, and he is, allowed the further time of two years to distrain for and collect his uncollected fee bills, and his uncollected or delinquent county levy and revenue taxes.

§ 2. That nothing in this act shall be construed to exempt said late sheriff from the penalties prescribed

by law against such officers for distraining for or collecting illegal fee bills.

§ 3. This act shall take effect from and after its passage.

Approved April 12, 1888.

CHAPTER 993.

AN ACT for the benefit of T. M. White, of Campbell county, late sheriff.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That T. M. White, late sheriff of Campbell county, be, and he is, allowed the further time of two years to distrain for and collect his uncollected fee bills, and his uncollected or delinquent county levy and revenue taxes.

§ 2. That nothing in this act shall be construed to exempt said late sheriff from the penalties prescribed by law against such officers for distraining for or collecting illegal fee bills.

§ 3. That this act shall take effect from and after its passage.

Approved April 12, 1888.

CHAPTER 994.

AN ACT for the benefit of common school district No. 15, of Magoffin county.

WHEREAS, A common school was taught in school district No. 15, of Magoffin county, consisting of sixty-five scholars in the school age, for the full term of five months, for the school year ending June 30, 1888, under the supervision of three trustees, as required by law, which school was regularly reported to the superintendent of common schools for Magoffin

county. But through some informality of the teacher's certificate the county superintendent refused and still refuses to make the proper report to enable said district to draw the amount due it for said year; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Superintendent of Public Instruction for this Commonwealth be, and he is hereby, directed to certify to the Auditor of Public Accounts the amount that said school district No. 15, of Magoffin county, would have drawn for the school year ending June 30, 1888, out of the Treasury, if it had been duly reported and certified by the county superintendent of common schools for Magoffin county. Thereupon the Auditor of Public Accounts shall draw his warrant upon the Treasurer, payable out of the school fund, for whatever sum said district would have drawn for sixty-five scholars in the school age, if it had been duly reported and certified as being taught according to law.

§ 2. This act shall take effect from and after its passage.

Approved April 12, 1888.

CHAPTER 995.

AN ACT to incorporate the Dollar Savings Bank, of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That James S. Pirtle, John Duncan, Z. T. Underwood, R. H. Taylor, W. J. Hogan, W. S. Caldwell, Gustave Hallenberg, Charles Lorenz, Geo. W. Anderson, A. L. Schmidt, William Patterson, Jr., Alfred Pirtle, H. J. Tilford, James A. Leech, R. J. Tilford, M. R. Wheat, William S. Parker and

David Bartley, of the city of Louisville, their associates and successors, are hereby incorporated under the name Dollar Savings Bank; and by that name shall have perpetual succession, sue and be sued, contract and be contracted with, and adopt a seal. The corporation, by its board of directors, may adopt by-laws for its government and for the regulation of the receipt and payment of savings deposits, not inconsistent with this charter or the Constitution of the Commonwealth of Kentucky or the Constitution of the United States of America.

By-laws.

§ 2. The corporation shall have its place of business in the city of Louisville, and not elsewhere.

Place of business.

§ 3. The capital stock of the corporation shall be five hundred thousand dollars (\$500,000), in shares of fifty dollars (\$50) each. When twenty thousand dollars of the capital stock have been subscribed, the stockholders may meet and organize the corporation, and when the subscriptions have been paid in cash, the bank may commence business.

Stockholders may increase number of directors.

President and officers.

§ 4. Within one year from the approval of this act any three of said incorporators may open books for the subscription to the stock of the corporation, and when twenty thousand dollars of the stock have been subscribed the incorporators, or any three of them, shall call a meeting of the subscribers for the election of a board of five directors of the corporation, to serve for one year, and until their successors have been elected and qualified. Annually thereafter a meeting of stockholders shall be held for the election of the board of directors. The stockholders, at any annual meeting, may increase the number of directors to not exceeding ten. Vacancies in the board may be filled by the board until the next election. The board of directors shall elect from their number a president and vice-president, and may appoint a cashier, a teller, and such other officers as may be provided by the by-laws. All officers shall hold office at the pleasure of the majority of the board of directors. It shall

be the duty of the board of directors to require of the officers of the bank bond, with good security, in a proper amount, for the faithful discharge of their duties. At any meeting of the stockholders stock may be voted by proxy, in writing, and each share of stock held shall entitle the holder to one vote.

§ 5. The corporation is empowered to exercise by its board of directors, or duly authorized officers and agents, subject to law, all such incidental powers as shall be necessary to carry on the business of banking, by discounting and negotiating promissory notes, drafts, bills of exchange and other evidences of debt; by receiving deposits; by buying and selling exchange, coin and bullion; by loaning money on personal security and on collateral: *Provided*, That it shall not issue notes for circulation. It shall have power to receive on deposit, at interest, such sum or sums of money as may be offered to it of not less than one dollar, and to pay interest on deposits, not to exceed four per cent. per annum, as may be fixed by the by-laws of the bank. Such deposits may be received from married women, not exceeding one thousand dollars, and minors, and, together with interest thereon, be payable to them, or upon their order or receipt, as may be regulated by the by-laws of the bank; and it shall not be lawful for the parent or guardian of such minor, or the husband, or the creditors of the husband, of such married woman, to attach or in any way interfere with any deposit or interest thereon of such minor or married woman; but whenever it shall become apparent to the president of the corporation that it would be unwise and injurious to the interests of a minor to pay his order, or, upon his application, any money standing to his credit, the said president may demand a written order to pay such payment from the parent or guardian of such minor; or, if there be neither parent nor guardian, may require an order from the judge of the Jefferson county court before making the payment.

Object of incorporation.

Real estate.

§ 6. The corporation may purchase, hold and convey real estate for the following purposes, and for no others, viz: Such as shall be necessary for its accommodation in the transaction of its business; such as shall be mortgaged to it in good faith by way of securing debts; such as shall be conveyed to it in satisfaction of debts contracted in the course of its dealings; such as it shall purchase at sales under judgments, decrees or mortgages held by the bank, or shall purchase to secure debts due to it. But the corporation shall not hold the possession of any real estate under mortgage, or the title and possession of any real estate purchased to secure any debts due to it, for a longer period than five years.

Unclaimed deposits.

§ 7. After five years from its organization, the corporation shall annually publish, in a newspaper published daily in Louisville, the unclaimed deposits, on which at least the sum of five dollars shall be due, and which shall have been deposited by persons who have not, within the two years next preceding such publication, made a deposit or received a payment from the corporation. Such publication shall be continued for thirty (30) days.

Expert.

§ 8. It shall be the duty of the board of directors of the corporation annually to submit its books and papers and its assets to an examination by an expert accountant, who shall be an examiner of banks of the national banking system, and his report shall be published in two newspapers in the city of Louisville, one English and one German, for three consecutive days, at the expense of the corporation.

By laws, rules and regulations.

§ 9. The by-laws, rules and regulations of the bank respecting deposits shall be printed and posted in a conspicuous place in the banking-house, and in the pass-book of each depositor.

Declare dividends.

§ 10. The board of directors may semi-annually declare a dividend of so much of the net profits of the corporation as they shall judge expedient, not exceeding four per cent.; but before declaring a dividend,

shall carry one-tenth part of the net profits of the preceding half-year to the surplus fund, until the same shall amount to twenty per centum of the capital stock paid in. And it shall be the duty of the board of directors to regulate the rate of interest to be allowed savings depositors, so that they shall receive a ratable proportion of all the profits of the corporation, after deducting all necessary expenses, and the dividends and amount to be carried to the surplus fund as above provided.

§ 11. The corporation shall be subject to taxation Taxation. as other banking corporations of the State now are, and may avail itself of the provisions of the fourth section of article two of an act, entitled "An act to amend the revenue laws of the Commonwealth of Kentucky," approved May 17, 1886, and shall have the benefit of an act, entitled "An act for the benefit of the incorporated banks of Kentucky," approved March 16, 1871.

§ 12. This act shall take effect from its passage, and continue fifty years, unless modified or repealed.

Approved April 12, 1888.

CHAPTER 996.

AN ACT to incorporate the Buffalo and Hodgenville Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That S. L. Johnson, J. N. Pearman, F. B. Beauchamp, W. W. Brownfield, R. H. Moss, E. S. Ferrill, R. W. Creal, Thos. H. Hays, J. W. Bomar, J. E. Sallee, W. F. Middleton, T. W. Creal, J. R. Thomas, J. G. Terhune, C. E. Brown, Wm. Sprowls, B. F. Drunn, Hugh Kelly, J. H. Hoover, J. H. Elliot, D. H. Smith, J. M. Sallee and L. L. LaRue, and their associates, successors and assigns, be, and are hereby,

Names of incorporators and corporate powers.

created a body-politic and corporate, by the name and style of the Buffalo and Hodgenville Railway Company; and by that name shall have perpetual succession, and be capable of suing and being sued, pleading and being impleaded, defending and being defended, in law and equity, in all courts and elsewhere, in like manner and as fully as natural persons may be; and said corporation may have and use a common seal, and set aside, renew or alter the same at pleasure; and by said corporate name may contract and be contracted with, and by that name shall be, and are hereby, invested with all the powers, privileges, immunities and franchises of natural persons.

Capital stock.

§ 2. The capital stock of said company may be any amount not exceeding thirty thousand dollars per mile for each mile of railroad which said company shall build or own, divided into shares of fifty dollars each, and may be subscribed for purchasing, owned and controlled by individuals in or out of this State, and railroad companies and other corporation in Kentucky or elsewhere, and counties or precincts.

First board of directors.

§ 3. The corporators named in the first section, or such of them as may act, shall constitute the first board of directors of said company, and may serve as such until their successors are duly elected and qualified. The said corporators, or a majority of them, shall meet at such time and place as they may agree upon and designate, and from their own number, or from such persons as they may associate with themselves, choose a president and appoint such other officers and agents as may be necessary. They shall have power to adopt such by-laws for the government of the company, its officers, agents and employes, in the general conduct and management of the affairs and business of the company, as may be needful and proper, and alter, amend or repeal the same at will. The said by-laws shall not be inconsistent with the Constitution of the United States or Constitution and laws of Kentucky.

§ 4. That the incorporators or first board of directors shall provide in the by-laws for the annual election of the board of directors, consisting of not less than five nor more than nine in number, who shall be stockholders of said company, and fix the time and place and determine the manner of the first and succeeding elections of directors. The directors shall severally hold their office for one year, and until their successors are elected and qualified. The board of directors may fill any vacancy occurring in their number, and shall choose from their own number a president. It shall require a majority, including the president, to constitute a quorum of the board of directors for the transaction of business. At the election of directors, and all other meetings of stockholders in said company, the stockholders shall be entitled to one vote for each share of stock so held, which may be cast in person or by written proxy. Provisions shall be made in the by-laws for annual meeting of the stockholders, and such called meetings as may be necessary. All stockholders' meeting of this corporation shall be held within the State of Kentucky. But all meetings of the board of directors, and all elections of officers by the board of directors, may be held at any point they may select.

Election of board of directors.

§ 5. The president and directors shall have the control and management of the property, business and affairs of the company, and may appoint all such officers, agents and employes as are necessary, prescribe their duties and compensation, and take from any of them bond, with security, for the faithful performance of his duties.

Management of affairs to be by president and directors.

§ 6. It shall be lawful for the president and directors of said company to open stock books for subscriptions to the capital stock at such time and places, and continue them open for such length of time, as may be deemed necessary. The capital stock of said company is hereby declared to be personal property, and may be issued, certified, transferred, and registered

Subscription books may be opened.

in such manner and at such place as may be ordered and provided by the board of directors of said company.

§ 7. The said Buffalo and Hodgenville Railroad Company shall be, and is hereby, authorized and empowered to locate, construct, maintain and operate, with such number of tracks and telegraph lines for the purpose of its own business as said corporation may desire, a line of railroad, on a strip of land not exceeding sixty feet in width, from Buffalo, Kentucky, to Hodgenville, Larue county, Kentucky, together with all side-tracks, switches, turn-outs, engine-houses, depots, and other buildings or structures necessary for its business, and all rolling-stock, engines and cars and machinery and other things that said corporation may deem necessary or proper for the prosecution of its business, and to acquire and hold all additional lands necessary for their structure and operation.

§ 8. The company may receive by donation, purchase or otherwise, all lands necessary for its road-bed, side-tracks, depots and warehouses, and other legitimate purposes, and also all materials necessary for the construction and maintenance of the railroad and its appurtenances. If such lands or material can not be procured through voluntary agreement of the owners thereof, said company may have the same condemned, and pay therefor in the manner now provided by law for the condemnation of land for railroads and turnpike companies.

§ 9. The Buffalo and Hodgenville Railroad Company, in order to raise means for the construction, equipment, and operation of its railroad, may issue and sell the bonds of said company of the denomination to be fixed by the board of directors to an amount not exceeding thirty thousand dollars per mile for each mile of railroad said company may build, contract to build, or own in this State, bearing not exceeding six per centum per annum interest from date, payable semi-annually, with coupons attached, to be

made payable as said company may direct, not exceeding forty years from this date, and secure the payment of the principal and interest thereof by mortgage or deed of trust conveying said railroad and other property and franchises of said corporation to a trustee or trustees, and from time to time fill vacancies that may occur in the office of trustees, with such covenants and stipulations as may be necessary to effect the purpose and object of its execution.

§ 10. The directors of said company may make contracts with any corporation, company, individual or individuals, for construction and equipping said railroad, or any part thereof; and may pay for the same wholly or partially in the stock, bonds, or other property of the said company, in such manner and upon condition as may be deemed for the best interests of said company. May contract for its construction.

§ 11. That it shall be lawful for the corporate authorities of any incorporated city or town through which said railroad may be located to donate or lease to said railroad company, as right of way, the right to lay single or double track through said city or town, or any portion of the same, on any street or highway that the said railroad company shall select for that purpose. Right of way through city or town may be donated.

§ 12. The board of directors of said company shall have power to establish such rates of toll for the conveyance of freight and persons on their said railroad, not exceeding the rates that may be established by general law regulating the charges for freight and passage on railroads in this State. Rates of toll for conveyance of freight and passengers.

§ 13. The property of the stockholders in said railroad shall not be liable for the debts or liabilities of the said corporations. Exemption of private property.

§ 14. Said railroad may be constructed and operated from Buffalo, Kentucky, to Hodgenville, Kentucky. Route of road.

§ 15. The said corporation shall organize and proceed to business within six months from the passage of this act, and shall commence the construction of Time when work shall be commenced.

its railroad within twelve months after the passage of this act, and shall complete its railroad within two years from the passage of the same.

Subscription of
precinct No. 6
by county court.

§ 16. That the county court of Larue county shall subscribe for stock in the Buffalo and Hodgenville Railway Company for voting precinct No. 6 (Buffalo precinct), in said county, upon the following terms and conditions, upon the written application of the president and directors of the Buffalo and Hodgenville Railway Company and twenty housekeepers, tax-payers residing in election precinct No. 6 in said county, commonly known and called the Buffalo precinct, stating their desire that the said subscription shall be made and the member of the shares they desire said precinct to subscribe for, not exceeding two hundred in number and ten thousand dollars in amount, and requesting that the question be submitted to the qualified voters of said election or voting precinct.

Order for election.

§ 17. It shall be the duty of the county court, the judge thereof alone presiding, to enter said written application at length upon the records of his court, and thereupon furtherwith make an order commanding the sheriff of the county, on a day to be named in said order, to open the polls at the place of voting in said precinct for State officers, and to take the vote of the qualified voters in said precinct upon the question: "Shall the county court subscribe for and on behalf of precinct No. 6, in Larue county, the number of shares named in said written application?" It shall be the duty of the county court to appoint the judges and clerk of said election as is now required by law in cases of election for State officers; and it shall be the duty of the sheriff of said county, either in person or by deputy, as he may prefer, to superintend and hold said election as is required by law in cases of election for State officers. On the failure of any officer appointed to hold and conduct said election to attend and perform the duties re-

quired herein, those who do attend shall appoint and qualify others in the place of those non-attending. At least twenty days' previous notice in writing, posted at the place of voting and three other public places in said precinct, shall be given by the sheriff of the time and place of holding said election.

§ 18. The poll-books shall be kept open as is now Poll-books. required by the Constitution and laws of the State; and the book shall be certified by the officers of the election and returned to the clerk of the Larue county court on the next day after the election.

§ 19. It shall be the duty of the county judge, county court clerk and sheriff of said county, on the day of the return of said books to the office of the county court clerk as herein required, to count the votes for and against said subscriptions; and if a majority of all the votes cast shall be in favor of the subscription of the stock, they shall make out and sign a written certificate to that effect, which shall be entered upon the records of said county court. In the absence of either of the foregoing officers, the duties enjoined in this section shall be performed by the other two. Comparison of vote.

§ 20. If a majority of all the votes cast at said election in said precinct shall be cast in favor of said subscription of stock to said railway company's stock, it shall be the duty of the presiding judge of the Larue county court, either at the next regular term of the Larue county court, or at a special called term thereof, if the president and directors shall desire it, to subscribe for and on behalf of the voters and tax-payers in election precinct No. 6 (known as the Buffalo precinct), in Larue county, the number of shares of stock recited in the written application mentioned in the first section of this act to the capital stock of the Buffalo and Hodgenville Railway Company. If proposition carries county judge to enter order.

§ 21. It shall be the duty of the presiding judge of Issue of bonds. the Larue county court to issue bonds for the voters and tax-payers of said election precinct, payable to

the Buffalo and Hodgenville Railway Company in twenty years, reserving the right to pay off said bonds at any time after three years, bearing six per centum interest per annum, payable semi-annually, for the amount of said subscription, which said bonds are to be taken and received by the president and directors of said company in satisfaction of said subscriptions. They shall be signed by said judge, and countersigned by the clerk of the Larue county court; shall have coupons attached for the payment of interest; shall be made payable at such place within the United States as the president and directors may designate, and may be negotiated by the president and directors by their written indorsement thereon.

§ 22. It shall be the duty of the Larue county court, through its presiding judge, from time to time, to provide for the payment of the interest on said bonds by the imposition and levy of an ad valorem tax upon all the real and personal estate (including the amount of each tax-payer's worth under the equalization law) within said election precinct subject to taxation for revenue purposes; and for the purpose of ascertaining the property subject to taxation, recourse may be had to the assessor's tax-book for said precinct in said county. Said tax shall be collected by the sheriff of Larue county, or other collectors of the public revenues, as other public dues, under the same responsibilities as for collecting and accounting for other public dues, and shall be paid over by him to the treasurer of said company, to by him applied to the payment of the interest on said bonds.

Receipt of collecting officers.

§ 23. It shall be the duty of the collecting officer to give to the persons from whom he may collect said tax a receipt specifying the amount paid and the time of payment.

Certificate of stock, when shall issue.

§ 24. Whenever the amount of such receipts to any one person shall equal in the aggregate fifty dollars, and shall be presented to the president and directors of said company, it shall be their duty to issue to

the holder thereof a certificate of stock equal to the amount of receipts surrendered. Said receipts are and shall be assignable. The person receiving said certificate shall thenceforth be a stockholder in said company, and entitled to all the privileges of other stockholders.

§ 25. Said county court may at any time, if it deems Taxation to pay off bonds. it proper, impose a tax on real and personal estate in said election precinct not exceeding fifty cents on each one hundred dollars' worth of property in any one year, to create a sinking fund for the extinguishment of the principal of said bond, and may make all needful orders, rules and regulations, for that purpose and to accomplish that object; the amount so paid shall in like manner be treated as stock, as provided in section — hereof.

§ 26. The county judge, county clerk and treasurer Sinking fund commissioners. of said railway company shall *ex officio* constitute a board of commissioners of the sinking fund, whose duty it shall be to manage the fund for the payment of the principal of said bonds.

§ 27. That all the proceedings hereby authorizing a Rights of successors or vendees of railroad company. subscription of said stock to the Buffalo and Hodgenville Railway Company, and all the proceedings herein provided for the carrying into execution the same, may be had for the purpose of making the same subscription to the successors, alienees or vendees of the Buffalo and Hodgenville Railway Company, should said company hereafter, in any manner, part with its claim to said road.

§ 28. That said bonds shall not be issued by said When bonds to be issued by county judge. county judge until he is satisfied, from evidence ad-
duced before him, that the said line of railroad has actually been built and equipped, and cars actually running thereon from Buffalo to Hodgenville, Kentucky; the same to be completed within two years from the passage of this act.

§ 29. That the subscription of stock for and in be- Subscriptions to be used alone for purpose subscribed.
half of the tax-payers of said election precinct, and

all other subscriptions hereafter made to the capital stock of said company or its successors, shall be sacredly set apart and appropriated to the building, constructing and completing said railroad, and not a dollar shall be used for any other purpose.

§ 30. This act shall take effect and be in force from and after its passage.

Approved April 12, 1888.

CHAPTER 997.

AN ACT incorporating the Dime Savings Bank, of Louisville, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Incorporators. § 1. To enable all persons to invest such of their earnings or property as they may choose, in a manner which will afford them security and profit, G. F. Dorn, P. H. Bald, Chas. A. Lang, Wm. Tafel and W. S. Park, together with their associates, successors and assigns, are hereby created and made a body-corporate, by the name, style and title of the "Dime Savings Bank," with perpetual succession.

Rules, regulations and by-laws § 2. Said corporation may have a common seal, which may be changed and renewed at pleasure; and by the name aforesaid shall sue and be sued, plead and be impleaded, answer and defend, in all courts and places, as a natural person; and make and establish such rules, regulations and by-laws, and alter, amend and repeal the same at will, for the government of said corporation and the management of the affairs thereof, as may be deemed necessary and expedient: *Provided*, The same be not contrary to the laws of this Commonwealth.

Board of directors. § 3. The property, business and affairs of said corporation shall be under the management, government and control of a board of seven (7) directors, which

number may be increased to nine (9), one of whom shall be elected president of the board ; and the incorporators named herein are hereby constituted and appointed a board of directors for said corporation, to serve as such until others are duly elected and qualified ; all vacancies occurring in the board may be filled by the remaining or other directors, who shall provide for the election of directors by the stockholders within one year from the organization of the bank, and every year thereafter, at their office in the city of Louisville ; said election shall be held by three stockholders appointed by the board of directors, who shall certify the result for record upon the books of the company. The directors shall be elected from among those stockholders who have subscribed for not less than ten shares of stock ; each stockholder to have one vote for each share of stock owned, and may be cast in person or by proxy ; the board of directors shall regulate the form of proxy in casting the vote.

§ 4. The capital of said corporation shall consist of Capital stock. one thousand (1,000) shares of the par value of one hundred (\$100) dollars each, and may be increased from time to time, as the board of directors may deem advisable, to any number not to exceed five thousand (5,000) shares of like par value. The directors herein named are authorized to open books to receive subscriptions for stock, and whenever as many as one hundred (100) shares have been subscribed and paid in, in accordance with the terms and conditions upon which the same were subscribed, and within one year from the granting of this charter, the corporation may proceed to transact a general banking and financial business ; and may loan money, discount promissory notes, buy and sell exchange, stocks, bonds and other securities ; and the promissory notes made negotiable and payable at its banking-house, or any other incorporated or national bank or banking-house or office located within the Commonwealth, which

may be discounted by said bank, and inland bills of exchange which may be discounted or purchased by it, shall be, and they are hereby, put upon the footing of foreign bills of exchange; and like remedy may be had thereon, jointly and severally, against the makers, drawers, and indorsers or parties thereto.

Personal property
 § 5. The said corporation may acquire and hold, possess and use, occupy and enjoy, all such real and personal property, goods, chattels, or other things, as may be necessary for the transaction of its business, or which may be pledged or conveyed to it as security for any debt of purchase in satisfaction of debts, judgments, or decree, and may sell, convey or otherwise dispose of such as a natural person: *Provided*, No real estate purchased by it in satisfaction, in whole or in part, of any debt, judgment, or decree, shall be held by it for a longer period than five years.

Officers and agents
 § 6. The board of directors may appoint such officers, agents and servants as they may deem necessary to conduct the business of the corporation, and pay them such sums for their services, and take from them such bonds, in such penalty to secure the faithful performance of their duties, as they may think reasonable and proper; and upon any bonds thus taken recovery may be had for breaches of the conditions thereof.

Deposits.
 § 7. The said corporation shall be capable of receiving from any person or persons any deposit or deposits of money, and to use and improve the same. Deposits shall be made at the office of the corporation in the city of Louisville; the smallest deposit shall be ten (10) cents; and minors and married women may make deposits and control the same; such deposits shall be received from and to the depositors at such times, with such interest, and under such regulations, as the board of directors may prescribe; the lowest sum which shall be put upon interest shall be three (3) dollars.

§ 8. When any deposit shall be made by a person

being a minor or a married woman, the said corporation may pay such sums as may be due him or her, and the receipt and acquittances of such minor or married women shall be valid as if minor was of full age and said married women a *feme sole*. Minor or married woman.

§ 9. Said corporation may deposit for safe-keeping, Safety vault. in any safety vault or trust company, any securities held or owned; and may make deposits for its funds in any good and solvent bank at the risk of the corporation.

§ 10. Stock of said corporation shall be deemed personal property, and shall only be assignable in accordance with such rules as the board of directors may, from time to time, prescribe; and said corporation shall have a lien on the shares of any stockholder who may be indebted to it for any unpaid balance on subscription to said stock. Stock deemed personal property.

§ 11. Dividends on the capital stock may be declared semi-annually on or about the first day of January and July, payable in such manner as the board of directors may prescribe. Dividends.

§ 12. This act shall take effect from and after its passage.

Approved April 12, 1888.

CHAPTER 998.

AN ACT to incorporate the Henderson State Line Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. W. Shelby, John H. Barret, Jr., S. K. Sneed, A. S. Winstead, T. W. Priest, C. W. Johnson, of Henderson county; C. C. Watkins, Felix Blanford, of Daviess county; Jep. C. Johnson, of McLean county, and Henry D. McHenry, of Ohio county, and C. U. McElroy, of Warren county, and their associates and Incorporators.

case of a subscription by a town or city, shall annually cause to be levied and collected a tax upon the property within such county, district or precinct, town or city, as the case may be, as is by law subject to taxation for State revenue, to an amount sufficient to pay the interest on said bonds as it accrues, and the principal when due, together with the cost of collecting said tax. The taxes herein provided for shall be collected as other taxes in the county, district or town, and used only for the purposes herein provided. But before any such vote is ordered to be taken, the county court, or town or city authority, may require the said company to deposit or otherwise secure an amount sufficient to defray the expenses of said election. And any subscription herein provided for may be made upon such terms and conditions as may be agreed upon between the county, district, town or city making the subscription and said company. If persons owning one-fourth of the taxable property in such county, district, town or city, as shown by the then last assessment, shall petition such county court, town or city authority, to submit such proposition for a subscription to the capital stock of said company, then it shall be the legal duty of such county court, town or city authority, to submit such proposition in the manner herein provided. But in no case shall any such subscription exceed in amount five per cent. of the total value of taxable property within the county, town or city, or civil or magisterial district making the subscription, as shown by the then last assessment. It is provided that the aggregate subscription to the capital stock of said railway in the county of Warren shall not exceed two hundred thousand dollars; and it is further provided, that none of the provisions of section number ten of this act shall apply to the county of Daviess.

§ 11. The said railroad company may lay its tracks along or across the streets of the city of Henderson, or other town or city, but not so as to unreasonably

obstruct the use thereof ; but the consent of the proper authorities of said city shall be first obtained.

§ 12. The said company may rent, lease, sell or convey its road or other property to any other company ; or may rent, lease or purchase any connecting railroad and operate the same ; or may connect or consolidate with any other railroad ; or may make any reasonable or necessary contract with any other like company in relation to the running of trains or the transportation of freight and passengers.

§ 13. That the bonds issued by any county, city, town, or election or magisterial district, in aid of building said railway, or subscribed to the capital stock of said railway, shall not be binding upon said county, city or town, election or magisterial district, unless said railway is built in conformity to the application for said county, city, town or magisterial or election district to subscribe to the capital stock of said railway ; and the bonds of any county, city, town or election or magisterial district issued in subscription to said railway shall be held by some trust company until said railway has complied with the terms of said subscription ; said trust company to give bond, to be approved by the county, city, or town or district making subscription to said railway.

§ 14. Said railway shall, within two years from the passage of this act, commence in good faith the construction, and within said time shall have expended at least fifteen per cent. of their capital stock in the building of said road ; and in case of failure so to do, this charter to be null and void ; said road to be completed within three years, or charter to be forfeited.

§ 15. This act to take effect from and after its passage.

Approved April 12, 1888.

case of a subscription by a town or city, shall annually cause to be levied and collected a tax upon the property within such county, district or precinct, town or city, as the case may be, as is by law subject to taxation for State revenue, to an amount sufficient to pay the interest on said bonds as it accrues, and the principal when due, together with the cost of collecting said tax. The taxes herein provided for shall be collected as other taxes in the county, district or town, and used only for the purposes herein provided. But before any such vote is ordered to be taken, the county court, or town or city authority, may require the said company to deposit or otherwise secure an amount sufficient to defray the expenses of said election. And any subscription herein provided for may be made upon such terms and conditions as may be agreed upon between the county, district, town or city making the subscription and said company. If persons owning one-fourth of the taxable property in such county, district, town or city, as shown by the then last assessment, shall petition such county court, town or city authority, to submit such proposition for a subscription to the capital stock of said company, then it shall be the legal duty of such county court, town or city authority, to submit such proposition in the manner herein provided. But in no case shall any such subscription exceed in amount five per cent. of the total value of taxable property within the county, town or city, or civil or magisterial district making the subscription, as shown by the then last assessment. It is provided that the aggregate subscription to the capital stock of said railway in the county of Warren shall not exceed two hundred thousand dollars; and it is further provided, that none of the provisions of section number ten of this act shall apply to the county of Daviess.

§ 11. The said railroad company may lay its tracks along or across the streets of the city of Henderson, or other town or city, but not so as to unreasonably

obstruct the use thereof ; but the consent of the proper authorities of said city shall be first obtained.

§ 12. The said company may rent, lease, sell or convey its road or other property to any other company ; or may rent, lease or purchase any connecting railroad and operate the same ; or may connect or consolidate with any other railroad ; or may make any reasonable or necessary contract with any other like company in relation to the running of trains or the transportation of freight and passengers.

§ 13. That the bonds issued by any county, city, town, or election or magisterial district, in aid of building said railway, or subscribed to the capital stock of said railway, shall not be binding upon said county, city or town, election or magisterial district, unless said railway is built in conformity to the application for said county, city, town or magisterial or election district to subscribe to the capital stock of said railway ; and the bonds of any county, city, town or election or magisterial district issued in subscription to said railway shall be held by some trust company until said railway has complied with the terms of said subscription ; said trust company to give bond, to be approved by the county, city, or town or district making subscription to said railway.

§ 14. Said railway shall, within two years from the passage of this act, commence in good faith the construction, and within said time shall have expended at least fifteen per cent. of their capital stock in the building of said road ; and in case of failure so to do, this charter to be null and void ; said road to be completed within three years, or charter to be forfeited.

§ 15. This act to take effect from and after its passage.

Approved April 12, 1888.

case of a subscription by a town or city, shall annually cause to be levied and collected a tax upon the property within such county, district or precinct, town or city, as the case may be, as is by law subject to taxation for State revenue, to an amount sufficient to pay the interest on said bonds as it accrues, and the principal when due, together with the cost of collecting said tax. The taxes herein provided for shall be collected as other taxes in the county, district or town, and used only for the purposes herein provided. But before any such vote is ordered to be taken, the county court, or town or city authority, may require the said company to deposit or otherwise secure an amount sufficient to defray the expenses of said election. And any subscription herein provided for may be made upon such terms and conditions as may be agreed upon between the county, district, town or city making the subscription and said company. If persons owning one-fourth of the taxable property in such county, district, town or city, as shown by the then last assessment, shall petition such county court, town or city authority, to submit such proposition for a subscription to the capital stock of said company, then it shall be the legal duty of such county court, town or city authority, to submit such proposition in the manner herein provided. But in no case shall any such subscription exceed in amount five per cent. of the total value of taxable property within the county, town or city, or civil or magisterial district making the subscription, as shown by the then last assessment. It is provided that the aggregate subscription to the capital stock of said railway in the county of Warren shall not exceed two hundred thousand dollars; and it is further provided, that none of the provisions of section number ten of this act shall apply to the county of Daviess.

§ 11. The said railroad company may lay its tracks along or across the streets of the city of Henderson, or other town or city, but not so as to unreasonably

obstruct the use thereof ; but the consent of the proper authorities of said city shall be first obtained.

§ 12. The said company may rent, lease, sell or convey its road or other property to any other company ; or may rent, lease or purchase any connecting railroad and operate the same ; or may connect or consolidate with any other railroad ; or may make any reasonable or necessary contract with any other like company in relation to the running of trains or the transportation of freight and passengers.

§ 13. That the bonds issued by any county, city, town, or election or magisterial district, in aid of building said railway, or subscribed to the capital stock of said railway, shall not be binding upon said county, city or town, election or magisterial district, unless said railway is built in conformity to the application for said county, city, town or magisterial or election district to subscribe to the capital stock of said railway ; and the bonds of any county, city, town or election or magisterial district issued in subscription to said railway shall be held by some trust company until said railway has complied with the terms of said subscription ; said trust company to give bond, to be approved by the county, city, or town or district making subscription to said railway.

§ 14. Said railway shall, within two years from the passage of this act, commence in good faith the construction, and within said time shall have expended at least fifteen per cent. of their capital stock in the building of said road ; and in case of failure so to do, this charter to be null and void ; said road to be completed within three years, or charter to be forfeited.

§ 15. This act to take effect from and after its passage.

Approved April 12, 1888.

CHAPTER 999.

AN ACT to incorporate the Licking Valley Bank of West Liberty.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Corporate powers. § 1. That a bank is hereby established in the town of West Liberty, Kentucky, by the name and style of "The Licking Valley Bank of West Liberty;" and by that name is incorporated, and shall be capable of contracting and being contracted with, of suing and being sued, of impleading and being impleaded, of answering and defending, in all courts and places whatever; it may have a common seal, and change and alter the same at pleasure.

Assignment of stock. § 2. The stock in said bank shall be deemed personal property, and shall be assignable according to such rules as the board of directors shall, from time to time, establish.

Names of commissioners to open subscription books. § 3. That W. W. Cox, J. H. Cole, H. C. Turner, W. W. McGuire, M. T. Womack, J. T. Hazelrigg, T. J. Henry, J. P. Salyer, Ed. C. Orear, W. W. Thompson, R. A. Mitchell and W. M. Kendall, may, at such times or places as suits their convenience, open books for the subscription stock, which shall be in shares of fifty dollars each; and when two hundred shares are subscribed and paid for, the stockholders shall meet and organize said bank by choosing a president, directors and other officers, whose compensation and salary shall be fixed, and bond and security may be required for the faithful performance of their duties.

Capital stock. § 4. The capital stock of said bank shall not be less than ten thousand dollars, which may be increased to one hundred thousand dollars.

Deposits. § 5. Said bank may receive deposits of gold and silver, bank notes, and other notes which may be lawfully circulated as money, and repay the same in

such manner and at such time as may be agreed upon with depositors by special or general contract; and may deal in loaning of money, exchange, promissory notes, and other evidences of debt, take personal or other security for the payment thereof, and dispose of same as authorized by an act, entitled "An act for the benefit of the incorporated banks of Kentucky," approved March 16, 1871; and the promissory notes or bills made negotiable and payable at its bank, or any other bank, which may be discounted by said bank, and inland bills of exchange which may be discounted by it, shall be, and they are hereby, put upon the footing of foreign bills of exchange, and like remedies may be had thereon, jointly and severally, against the drawers and indorsers.

§ 6. The said corporation may acquire, hold, possess, use, enjoy and occupy all such real estate, goods and chattels, as may be necessary for the transaction of its business, or which may be conveyed to it as surety for any debt, or purchased in satisfaction of any debt, judgment or decree, and sell and convey the same; but no real estate purchased by it in satisfaction of any debt, judgment or decree, shall be held by it for a longer period than five years; and they may make all needful by-laws for the government of said bank, not inconsistent with the Constitution and laws of the United States or the State of Kentucky.

May hold real estate.

§ 7. It shall not be lawful for said bank to issue any note or bill to be passed or used as currency.

Not lawful to issue currency.

§ 8. That the subscriptions to the capital stock of said bank shall be paid in assessments, to be made by the board of directors, in sums of not less than five per cent., and not exceeding twenty-five per cent., of the sums subscribed; and said assessments shall not be made less than thirty days apart.

Subscriptions, how paid.

§ 9. This act shall take effect from its passage, provided said bank is organized under it within two years

from the date thereof, and may continue in force for thirty years from the date of its organization.

§ 10. The Legislature reserves the right to alter, amend or repeal this act at pleasure.

Approved April 12, 1888.

CHAPTER 1000.

AN ACT to amend an act to incorporate the Fidelity Trust Company of Louisville, Kentucky, approved April 22, 1882, and name changed to Fidelity Trust and Safety Vault Company, by act approved March 4, 1884.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Fidelity Trust and Safety Vault Company of Louisville, Kentucky, be, and the same is, so amended that promissory notes, payable to any person or persons, or to a corporation, and payable and negotiable at the office of said company in Louisville, Kentucky, which shall be indorsed to and discounted by any bank incorporated under any law of this Commonwealth, or organized in this Commonwealth under any law of the United States, shall be, and they are hereby, placed on the same footing as foreign bills of exchange.

§ 2. This act shall take effect from its passage.

Approved April 12, 1888.

CHAPTER 1001.

AN ACT chartering the Marshall County Banking and Trust Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is established a saving and deposit bank and trust company in the town of Benton, Marshall county, Kentucky, with a capital of

*Capital stock.

one hundred thousand dollars, in shares of one hundred dollars each, to be subscribed and paid for as hereinafter specified; and the subscribers, their associates, successors and assigns, shall be a body-politic and corporate, by the name and style of the Marshall County Banking and Trust Company, and shall so continue for fifty years from its organization; but the board of directors of said company are authorized and empowered to reduce the capital stock or to wind up its affairs whenever the owners of two-thirds of the stock determine that the interest of the corporation requires its reduction or discontinuance; and to effect either, the board shall have all power necessary to reduce the capital stock or to wind up and liquidate the affairs of said corporation on equitable principles: *Provided*, That said reduction or dissolution shall not prejudice the rights of any existing creditors of said corporation.

§ 2. That said corporation shall have all the rights ^{Powers.} and privileges of a natural person in contracting and being contracted with, in suing and being sued, and of impleading, answering and defending, in all courts and places whatever; said corporation may have and use a common seal, and may change the same at pleasure.

§ 3. Said corporation shall be under the control of ^{Directors.} five directors, who shall be stockholders, residing in the State, each of whom shall own, in his own right and name, at least twenty-five shares of stock, on all the calls of which payment shall have been made, and after the first annual election shall have owned his stock at least twelve months before his election; and they shall hold their office until their successors shall be elected and qualified; and after the first election shall be elected each year thereafter, or as soon thereafter as practically convenient; and in case of a vacancy the remaining directors shall have the power to appoint a qualified stockholder to fill it. They shall elect one of their number president, who

shall preside at their meetings, and perform such other duties as may be assigned him by this charter and their by-laws. They shall have power to sell any of the stock unsold; to declare dividends arising out of the business of said corporation; to appoint such officers, agents and employes as they may deem necessary to conduct the business of said corporation, and contract with and pay them for their services; to take from the president, cashier and other employes, such bond as they may deem proper and reasonable to secure a faithful performance of their respective duties, and to make such by-laws as they may deem necessary for the proper management of the affairs of the corporation: *Provided*, The same be not contrary to the Constitution and laws of this State and of the United States. The stock shall be deemed to be personal property, and shall be transferable only on the books of the corporation by the stockholder, his agent or attorney, and under such rules and regulations as the directors may from time to time establish; but the corporation shall have a prior lien on the stock as security for any debt owing on it.

§ 4. That W. M. Reed, John W. Dycus, T. J. Strows and C. H. Starks, are hereby appointed commissioners, any two of whom may open books in the town of Benton, Kentucky, and receive subscriptions for the capital stock of said corporation; and when one-half or more of the said capital stock shall have been subscribed, it shall be their duty to give notice, verbal or written, to the stockholders, and appoint a day for the election of directors; and the directors elected on the day so appointed shall hold their office until the next annual election. The payment of shares subscribed for shall be as follows: Twenty-five dollars on each share on the day of the first election of directors as herein provided, and the remainder in such amounts and at such times as the directors may require: *Provided*, That no one call shall be for

more than twenty-five dollars on the share, and at shorter notice than ten days; and said corporation shall commence business when fifteen thousand dollars shall have been paid in as capital.

§ 5. Any subscriber of stock, who shall fail to pay Forfeit stock. twenty-five dollars on each share subscribed on the day designated in the notice named in the last preceding section for the election of the first board of directors, shall cease to be stockholders, and the stock subscribed by them may be subscribed for by others, under the direction of the person or persons who receive the original subscription; and in case of any subscriber shall fail to pay any call made by the board of directors for the unpaid balance of his subscription and remain in default thirty days, the board may, in its discretion, forfeit his stock for the benefit of the company, upon the company refunding to him the value of his stock. In any election under this charter each stockholder shall be entitled to one vote for each share of stock: *Provided*, That no subscriber of stock shall be entitled to vote on any share of stock, on a call of payment of which he shall be in arrears; and this shall apply to the first election of directors under this charter as well as any subsequent election; and no person shall be eligible to the office of director who has not, at the first election, paid twenty-five dollars on each share of stock subscribed by him at the time of said election.

§ 6. All elections under this charter shall be held at Elections. the office of the corporation in such mode as the directors may provide in the by-laws. Stockholders not present may vote by proxy, and a majority of the board of directors shall form a quorum for the transaction of business.

§ 7. Said corporation may receive deposits of gold Business. and silver coin, bank notes and other notes that may be lawfully circulating as money, and repay same in such manner, at such times, as may be agreed on with the depositors by special or general contract;

may deal in the loaning of money ; may buy and sell bills of exchange, promissory notes, uncurrent money, stocks, bonds, mortgages, gold and silver coins, securities of any kind, and any evidences of debt whatever ; take personal and other securities for the payment of same, and dispose of such stocks and bonds as may be agreed upon by the parties as a natural person, and pass a valid title to same ; and may do a general banking business, except only it shall not have power to issue notes of its own for circulation. All promissory notes and bills of exchange made payable and negotiable at its office and banking-house, or any bank incorporated under any law of the Commonwealth, or organized in the Commonwealth under any law of the United States, when discounted by this corporation shall be, and are hereby, put upon the footing of foreign bills of exchange ; and like remedy may be had thereon, jointly and severally, against the makers, drawers and indorsers.

§ 8. Said corporation may make advances on, and receive in pledge for money loaned or debts due it, securities of any kind, goods, wares and merchandise, upon agricultural, mechanical or other products, including growing crops and produce of the country, and may sell the same on the non-payment of the debt or demand according to the terms agreed upon between the parties by written contract at the time of creation of the debt ; but before the sale or disposal of any of the property, pledges or securities mentioned in this charter, the party making the same or depositing the pledge shall have ten days' notice, in writing, if a resident of this State, or if not a resident, the company, before proceeding to sell or dispose of the property or pledge or security, shall cause notice to be inserted in some newspaper published in the county for at least twenty days ; but nothing in this act shall be construed to confer power or authority on said corporation to sell or dispose of real estate,

or any interest therein, so given in pledge or security otherwise than by regular judicial proceedings.

§ 9. No certificates of stock shall be issued under Certificates. this charter until the shares of stock subscribed for shall be paid in full; upon payment of calls on stock entries shall be made in a book kept for that purpose, and receipts executed to the subscriber for the amount paid, signed by the president and cashier.

§ 10. Said corporation may acquire, hold and use Real estate. all such real estate, goods and chattels, as may be necessary for the transaction of its business, or which may be conveyed to it as security for any debt, or purchased in satisfaction of any debt, judgment or decree, and sell and convey the same; but when it purchases real estate in satisfaction of any judgment or payment of any debt due to it, it shall hold the same not longer than five years; and may buy its own stock in payment of a debt, judgment or decree, but shall resell the same as soon as practically convenient. A conveyance, duly executed by the president, shall pass the title of said corporation to any real estate it may want to dispose of.

§ 11. Said corporation may receive deposits from Deposits. minors and married women, and the receipts and acquittances of such minors and married women shall be valid.

§ 12. Every stockholder shall be individually liable Liability. to the creditors of the corporation to the full amount of the stock subscribed for and owned by him; but when the same shall have been paid for in full, then no further individual liability attaches to the said stockholders.

§ 13. It shall not be lawful for the president or directors to become surety or accommodation indorser on any note or bill discounted by said company or corporation.

§ 14. No agreement, contract, obligation, deed or other writing, shall be invalid for the want of the seal herein provided for, if the same be regular and legal in other respects.

(oath.

§ 15. The president, directors and other officers of said corporation, before entering on the discharge of their duties, shall take an oath before some judge of the peace, notary public, or other officer authorized by law to administer oaths, faithfully, honestly and to the best of their skill and judgment to discharge all their duties of their respective offices and stations, and under this charter, or which may be required of them by the by-laws, rules and regulations of the corporation; and that they will not, during their continuance in office, sanction or permit any of the provisions of this charter to be violated; and shall not allow any occur without their concurrence, that they will immediately report the same to the Attorney-General of this Commonwealth.

, (trusts) &c.

§ 16. Said corporation may be appointed and may act as guardian for infants, as executors or administrators, or committee for idiots or lunatics, and receivers, assignee or other trustees, whether appointed by deed, by last will and testament, by any court within this Commonwealth, or in any other manner not inconsistent with law. It may receive and hold in trust estate, real and personal, including notes, bonds, obligations and accounts of estates and individuals of companies and corporations, private or public, and may, in its fiduciary capacity, purchase, convey and adjust and settle, sell and dispose of the same in this State or elsewhere. It may act as agent or attorney in the leasing, conveying and managing real estate, receiving and collecting rents and profits, securing and countersigning bonds, notes and other obligations, and may, in its capacity, manage any business, and may execute and perform any act which may be required of it by the State or public.

shall have a trust department, and all of its business of a fiduciary character shall be kept in a separate and special set of books.

17. It shall be the duty of the corporation, through ^{Statement.} president and cashier, to make a detailed statement annually (or oftener if so required) to such court or courts as may have committed any trust or trusts to said corporation, of all investments or loans of said corporation, together with a statement, as near as practicable, of the value of the estates and property so committed by said court to said company, which statement shall be verified by the oath of one of said officers; and the said trust fund, and all the bonds and securities thereof in the possession of said corporation, shall be primarily liable for the obligations of said corporation as executor, administration guardian, receiver, assignee, or trustee in any other capacity, and shall not be liable for any other debt or obligation of the company until all its obligations in regard to its trusts as aforesaid shall have been first duly met and discharged. Said corporation shall keep a complete set of books, showing receipts and disbursements of money, and giving a full and correct account of all its transactions in each and all trusts committed to its care, which books shall be open to the inspection of the courts committing such trusts to its care and to the parties in interest, at such times as said court may direct.

§ 18. The capital of said corporation shall be taken ^{Capital stock as security.} and considered as the security required by law for the faithful performance of its duties; and other security shall not be required upon its appointment to any of the offices or duties mentioned herein, except when required by the courts or by parties in interest; but any court having jurisdiction to make or approve such appointment shall have power, before making or approving the same, and at any time thereafter, to examine the officers of the company, under oath

-Oath.

§ 15. The president, directors and other officers of said corporation, before entering on the discharge of their duties, shall take an oath before some justice of the peace, notary public, or other officer authorized by law to administer oaths, faithfully, honestly, and to the best of their skill and judgment to discharge all their duties of their respective offices and stations, and under this charter, or which may be required of them by the by-laws, rules and regulations, of the corporation; and that they will not, during their continuance in office, sanction or permit any of the provisions of this charter to be violated; and should any occur without their concurrence, that they will immediately report the same to the Attorney-General of this Commonwealth.

-Guardian, &c.

§ 16. Said corporation may be appointed and may act as guardian for infants, as executors or administrators, or committee for idiots or lunatics, and receivers, assignee or other trustees, whether appointed by deed, by last will and testament, by any court within this Commonwealth, or in any other manner not inconsistent with law. It may receive and hold in trust estate, real and personal, including notes, bonds, obligations and accounts of estates and individuals, of companies and corporations, private or public; and may, in its fiduciary capacity, purchase, collect and adjust and settle, sell and dispose of the same in this State or elsewhere. It may act as agent or attorney in the leasing, conveying and managing real and personal estate, receiving and collecting rents and other moneys, in issuing and countersigning certificates of stock, bonds or other obligations of any corporation or municipality, State or public authority, and may receive and manage any sinking fund thereof; and may accept and execute and guarantee all such trusts, of every description, not inconsistent with the laws of this State, and may be committed to it by any other person, or by any corporation, or by any court of record of this State.

It shall have a trust department, and all of its business of a fiduciary character shall be kept in a separate and special set of books.

§ 17. It shall be the duty of the corporation, through Statement. its president and cashier, to make a detailed statement annually (or oftener if so required) to such court or courts as may have committed any trust or trusts to said corporation, of all investments or loans of said fund, together with a statement, as near as practicable, of the value of the estates and property so committed by said court to said company, which statement shall be verified by the oath of one of said officers; and the said trust fund, and all the loans and securities thereof in the possession of said corporation, shall be primarily liable for the obligations of said corporation as executor, administration guardian, receiver, assignee, or trustee in any other capacity, and shall not be liable for any other debt or obligation of the company until all its obligations in regard to its trusts as aforesaid shall have been first duly met and discharged. Said corporation shall keep a complete set of books, showing receipts and disbursements of money, and giving a full and correct account of all its transactions in each and all trusts committed to its care, which books shall be open to the inspection of the courts committing such trusts to its care and to the parties in interest, at such times as said court may direct.

§ 18. The capital of said corporation shall be taken Capital stock as security. and considered as the security required by law for the faithful performance of its duties; and other security shall not be required upon its appointment to any of the offices or duties mentioned herein, except when required by the courts or by parties in interest; but any court having jurisdiction to make or approve such appointment shall have power, before making or approving the same, and at any time thereafter, to examine the officers of the company, under oath

or affirmation, as to the security aforesaid and the amount and extent of its fiducial and other liabilities; and if deemed advisable by said court or courts, to appoint a suitable person to investigate the affairs and management of the said corporation, and report to such court the manner in which its capital and funds are invested, and the security offered, to those by or for whom its engagements are held; the expense of such investigation to be paid by said company.

Responsibilities. § 19. In the exercise by said corporation of the powers herein authorized as guardian, executor, administrator, committee of lunatics, or of any office or duty imposed by the court or otherwise committed to said corporation, it shall be subject to the same duties and responsibilities, and shall have the same powers and receive the same compensation, as may be fixed by law with relation to individuals holding similar offices or trusts, except as herein otherwise specially provided. The exercise of other powers and the performance of other duties by said corporation may be, as to compensation and otherwise, matters of contract with the parties interested.

Indebtedness § 20. Said corporation shall at no time incur indebtedness or liability exceeding capital stock paid in, except deposits made with said corporation.

Increase capital stock. § 21. The directors may increase the capital stock from time to time as the interests of the corporation may demand, not to exceed two hundred thousand dollars.

General Assembly. § 22. The General Assembly at all times shall have the right to examine the affairs of the corporation by a committee appointed for that purpose, and may alter or amend this charter at pleasure.

§ 23. This act shall take effect and be in force from and after its passage.

Approved April 12, 1888.

INDEX TO LOCAL AND PRIVATE ACTS.

Abdallah Park Association; of Harrison county, act to incorporate the	209
Ackerman, Peter, of Bowling Green, act for benefit of	48
Acts, Session, 1878, act to amend section 2, chapter 419, of	790
Acts of 1871, act to amend chapter 1884, of	192
Adair county, act to prohibit sale of liquors on election days, in	308
act to prohibit sale of liquors in Columbia voting precinct, in	558
act to authorize the county court at its court of claims to levy ad valorem tax, and fix county levy in	1092
Adairville, act to incorporate and establish system of public schools in district No. 49, including	376
Logan county, act to amend charter of	125
Adelphian Society of Hartford College and Business Institute, act to incorpo- rate	665
Advertisement of real estate in Owen county, act to regulate	918
Alexandria and Licking, the Old State Road, and the Newport and Licking Turnpike Companies, in Campbell county, act to enable to consolidate	6
Allen county, act for the benefit of W. B. Foster, of	1060
act to establish Allen Male and Female College, in Scottsville, in	80
act to amend act for the benefit of, empowering it to compromise its debt, issue bonds, etc., to pay the same	252
Allen Male and Female College, in Scottsville, Allen county, act to establish .	80
Allen and Barren counties, act declaring Barren river a lawful fence in, from mouth of Bay's Fork creek	921
Allensville, Bank of, act to amend act to incorporate	1080
Anderson county, act for benefit of John J. Hammond, of	302
act to amend act to amend charter of Tyrone, in	123
Arlington, Carlisle county, act to amend charter of	736
Arnett, John M., act to authorize, to erect boom across Bill Oakley creek, in Magoffin county	378
Ashland, act to amend charter of	253
and Catlettsburg Street Railway and Transfer Company, act to amend act to incorporate	790
Association, People's Homestead and Saving, act to incorporate	1088
Augusta, in Bracken county, act to establish normal school at	664
Baker, G. W., of Clay county, act for benefit of	330

Ballard county court, act to empower, to levy tax for road purposes	1063
Bank, Bedford Loan and Deposit, act to incorporate	674
Boone County Deposit, act to amend charter of	618
Citizens', of Frankfort, act to incorporate	1077
Citizens', of New Liberty, act to amend charter of	584
Citizens', of Paducah, act to amend act to incorporate	790
Corinth Deposit, act to charter the	280
Deposit, of Calhoon, act to incorporate	116
Deposit, at Fulton, act to incorporate	658
Deposit, of Monroe county, act to incorporate	786
Dime Savings, of Louisville, act incorporating	1182
Dollar Savings, of Louisville, act to incorporate	1169
Farmers', at Mt. Pleasant, act to incorporate	1064
Hopkinsville Savings, act to incorporate	750
Jellico, act to incorporate	63
Licking Valley, of West Liberty, act to incorporate	1192
Louisville Deposit, act to incorporate	670
Merchants' Deposit, of Central City, act to incorporate the	458
Mt. Olivet Deposit, act to incorporate	914
Paducah Savings, act to incorporate the	806
of Allensville, act to amend act to incorporate	1060
of Harlan, act to incorporate	68
of Hopkinsville, act to extend and amend charter of the	549
of Kentucky, Northern, act to amend charter of	1069
of Louisville, act to amend charter of	110
of Monterey, First State, act to incorporate	743
of Murray, Calloway county, act to incorporate	76
of Shepherdsville, act to incorporate	81
and Saving Association, Mercantile, act to amend act to incorporate . .	1149
Banking and Trust Company, Marshall county, act chartering	1194
Barbourville, act incorporating Street Railway Company, in	400
Bardstown, act to amend act to amend act to amend and consolidate acts in regard to	166
Bardstown and Green River Turnpike Road Company, act to amend charter of.	876
Bardwell, act to authorize trustees of, to borrow money for improving streets .	292
in Carlisle county, act to amend charter of	641
Barren county, act to amend charter of Cave City, in	65
act for benefit of district No. 114, known as Green Hill Semi- nary, in	146
act to amend and reduce into one acts relating to Hiseville, in,	359
act to authorize precinct No. 1, in, to issue bonds and fund indebtedness	395
act to authorize Glasgow, in, to issue bonds and fund indebted- ness	510
act to amend act to incorporate, and repeal charter of Glasgow, in	23
Metcalfe and Monroe counties, act to repeal, in part, act to authorize, to raise money to aid in construction of a railroad.	62

INDEX.

1205

Barren river, act declaring a lawful fence in Allen and Barren counties, from mouth of Bay's Fork creek	921
Bath county, act to amend act to prohibit cattle running at large on turnpike roads, in	82
Stock and Trotting Association, act to incorporate	50
Bay's Fork creek, act declaring Barren river a lawful fence, in Allen and Barren counties, from mouth of	921
Beattyville, in Lee county, act to amend part of act to establish Institution of Learning and Parochial Church, near	631
Bedford Loan and Deposit Bank, act to incorporate	674
Beech Grove, in McLean county, act to amend act to amend charter of	607
Sunday School Union, of Campbell county, act to amend act to incorporate the	301
Bell county, act to authorize voters of, to vote as to location of proposed new court-house and jail	492
Building and Loan Association, act to incorporate	586
Bellevue, Campbell county, act to amend charter of, and authorizing the issue of school bonds	215
and Cincinnati Tunnel and Bridge Company, act to incorporate the	1115
Benton, act to consolidate school district No. 38, in Marshall county, with Marshall County Seminary, at	591
Bethany Church, in Morgan county, act to prohibit sale of liquors near . . .	301
Bethel Hill and Jessamine County Turnpike Company, act to amend act to incorporate the	430
Bill Oakley creek, in Magoffin county, act to authorize John M. Arnett to erect boom across	378
Blackwell, James D., sheriff of Webster county, act for benefit of	412
Board, Richard, late clerk of Mercer circuit court, act for benefit of	123
Board of commissioners, act to create in Martin county	840
act to create a, for Magoffin county	544
act to amend act to establish a, for Boyd county	906
for Carter county, act to establish a, and define their duties and duties of other county officers connected with said commissioners	819
and treasurer for Knott county, act to incorporate	982
county commissioners, act to establish a, for Jefferson county	831
Boone county, act for benefit of justices of peace in Walton district, in	614
act to amend act levying tax on dogs of	30
Deposit Bank, act to amend charter of	618
Boonesboro and Athens Turnpike, in Clark county, act for benefit of	694
Bourbon county, act to amend act to incorporate Hawesville and Cummins Turnpike Road Company, in	540
Trotting Club, act to incorporate the	454
Bowling Green, act to incorporate Persian Lodge, No. 18, Knights of Pythias, of	312
act to incorporate the Fidelity Trust Company, of	1159
act for benefit of Peter Ackerman, in	48

Bowling Green city court, act to fix time of holding regular civil terms of . . .	129
and Northern Railroad Company, act to amend act to incorporate the	457
act to amend act to incorporate the, and authorizing Warren county to subscribe aid to said company	391
Boxville Male and Female Seminary, of Union county, act to incorporate the, . . .	429
Boyd county, act to amend act to establish board of commissioners for	906
act to amend act to establish road law for	1146
Boyle county court, act to ratify subscription of, to stock of the Boyle and Lincoln Turnpike Company	7
Boyle and Lincoln Turnpike Company, act to legalize subscriptions of Boyle county court to stock of	7
Bracken county, act to establish normal school at Augusta, in	664
Building and Saving Association, act to incorporate	772
Bracken, Pendleton, Grant and Harrison counties, act to amend act to prevent stock running at large in	530
and Pendleton counties, act to incorporate Willow Church Turnpike Road Company, in	782
Bradshaw, Thomas, of Simpson county, act for benefit of	42
Brashears, Mrs. Manerva, late clerk of Letcher county court, act for benefit of, . . .	43
Breckinridge county, act to change line between Hardinsburg and Rough Creek magisterial district, in	477
Bridge Company, Evansville, act to charter	711
Kentucky and West Virginia, act to incorporate	610
Owensboro and Indiana, amendment to act to incorporate	44
Bridges, act to regulate operations, etc., of, on Ohio river, at Covington	817
Bryantsville, Garrard county, act to amend charter of	895
Buffalo and Hodgenville Railroad Company, act to incorporate	1173
Bullitt county, act for benefit of W. H. Hays, of	541
Burch, Fred., Daniel L. Cunningham and Wm. O. Williams, of Grant county, act for benefit of	33
Burgin, in Mercer county, act to amend charter of	614
Burlington, act to incorporate Cemetery Company of Viola Lodge No. 278, at, . . .	84
Butler Cemetery Company, in Pendleton county, act to incorporate	72
Butler county, act to incorporate Huntsville, in	217
Fair Company, act to incorporate	740
Butt, W. A., of Simpson county, act for benefit of	1061
Cairo and Tennessee River Railroad Company, act to amend act to amend charter of Mayfield, and to authorize to pay for stock in	44
act to amend act to amend charter of	606
act to amend act to amend charter of the	922

Calhoon, act to incorporate Deposit Bank at	116
Calloway Agricultural and Mechanical Association, act to amend act to incorporate	1088
Calloway county, act to prohibit sale of liquor on election day, in	884
act to enable school district No. 85, in, to subscribe to capital stock of any railroad company	656
act to incorporate Bank of Murray, in	75
act giving constable of Murray magisterial district, in, power to appoint deputy	8
Campbell county, act to amend act to create office of county treasurer for, and Kenton counties, act to incorporate Journeymen Plasterers' Association, in	124
county, act to incorporate Coyne and Solar Detective Agency, in	29
Newport and Licking, the Old State Road, and the Alexandria and Licking Turnpike Companies, act to enable to consolidate	6
act to close Fifth street, in Dayton, in	727
act to incorporate Cote Brillante, in	476
act to amend act to amend charter of Dayton, in	898
act to empower the Odd Fellows' Hall Association, of Dayton, in, to bond its debt	344
act to amend act to incorporate the Beech Grove Sunday School Union, in	301
act to amend charter of Bellevue, in, and authorizing the issue of school bonds	215
act for benefit of J. J. White, late sheriff of	1167
act for benefit of T. M. White, late sheriff of	1168
act to amend act to amend charter of Newport, in	1165
Campbellsville, Taylor county, act to reincorporate and amend laws for	219
Campton Institute, act to amend act to incorporate	1165
Capital Lodge No. 6, I. O. O. F., act for benefit of	450
Carlisle, act for benefit of	1016
act for benefit of, and certain turnpike road companies	718
Carlisle county, act to amend charter of Arlington, in	786
act to establish additional voting place in	771
act to amend charter of Bardwell, in	641
Carlisle and Plum Lick Turnpike Road Company, act to authorize the, to relinquish part of said road to Nicholas county court	912
Carlisle and Sharpsburg Turnpike Company, act to amend act to incorporate the	427
Carr Institute, act to amend part of act to amend act to incorporate the	408
Carroll county, act to amend act to consolidate common school districts Nos. 1 and 26 in, and provide for school building, etc., and levying additional tax	815
court, act to amend act authorizing the, to take stock in turnpike roads in said county	874
act to give lien for damages on stock committing trespasses in, ...	841
act for benefit of	141

Carter county, act to establish board of commissioners for, and define their duties and duties of other county officers connected with said commissioners	819
court, act authorizing the, to levy ad valorem tax, and repeal laws authorizing levy of poll or capitation tax for county purposes ordinary	381
Carter, Pike, Letcher, Martin, Knott, Floyd, Johnson and Elliott counties, act to amend act to provide for working of prisoners in	382
Casey county, act to prohibit sale of liquors near turnpike road between Yoesemite and Dunnville, in	197
act to authorize the county court of, to levy taxes and issue bonds to build court-house	490
act concerning sale of liquor in	572
act to amend act to incorporate Dunnville, in	686
Caseyville district, in Union county, act to amend act to establish public school in	778
Catlettsburg, act to regulate sale of liquors in	480
Cattle and other live stock, act to give lien for damages on, committing trespasses in Carroll county	341
Cave City, in Barren county, act to amend charter of	65
Cemetery Company, Butler, in Pendleton county, act to incorporate	72
Elizaville, act to amend charter of	8
Frankfort, act to amend act to incorporate the	542
Frankfort, act to amend act to amend act to incorporate	923
Lawrenceburg Colored, act to incorporate	24
Owingsville, act to amend charter of	852
of Viola Lodge, No. 278, at Burlington, act to incorporate, ...	34
Central City, act to incorporate the Merchants' Deposit Bank, of	458
Transfer Company, act to amend act to incorporate	2
Valley Railway Company, act to incorporate the	283
Chatawaha Pipe-line Transportation Company, act to incorporate	757
Chestnut Grove Church, in Johnson county, act to incorporate	27
Christian Church, at Bethany, Morgan county, act to incorporate	1
County Driving Park, act for benefit of	53
Holiness, act to incorporate trustees of church for promotion of	682
Church, Bethany, in Morgan county, act to prohibit sale of liquors near	801
Chestnut Grove, in Johnson county, act to incorporate	27
Christian, at Bethany, Morgan county, act to incorporate	1
M. E., in Mt. Olivet, act to authorize and empower trustees of, to sell and convey property of said church.	63
Methodist Protestant, for Tennessee District, act to incorporate	4
Methodist Mission, near Owensboro, act to prohibit sale of liquor near	837
Otter Creek Baptist, in Wayne county, act to prohibit sale of liquor near	838
Pleasant Grove Baptist, in Clay county, act to prohibit sale of liquor near	837

Church, Presbyterian, at Moorefield, in Nicholas county, act for benefit of . .	918
Twenty-second and Walnut Streets Baptist, of Louisville, act to incorporate	576
of St. Peter's German Evangelical, of Louisville, act to amend act to incorporate	45
for Promotion of Christian Holiness, act to incorporate trustees of . .	682
Citizens' Bank, of Frankfort, act to incorporate	1077
at Paducah, act to amend act to incorporate	790
of New Liberty, act to amend charter of the	584
Clark county, act to authorize, to receive, surrender and operate certain turnpike roads, in	389
act for benefit of Boonesboro and Athens Turnpike, in	694
act declaring court-house of, within Winchester and Blue Ball precincts	181
act to amend act to regulate subscriptions to capital stock of railroad companies, in	1160
Clark, Robert, sheriff of Clay county, act allowing further time to execute bond for collection of revenue for 1888	347
Clay county, act for benefit of G. W. Baker, of	380
act for benefit of Robert Clark, sheriff of	347
act to amend act to authorize county court of, to issue bonds	79
act for benefit of T. S. Rawlins, of	448
act to prohibit sale of liquor near Pleasant Grove Baptist Church, in	887
court, act to empower, to sell old public square, etc.	128
Clerk of Mercer circuit court, Richard Board, act for benefit of	128
Clerks of county courts of this Commonwealth, act to allow, to employ ladies as deputies	1058
Clinton, Wayne and Pulaski counties, act to amend act to authorize, to subscribe stock in any railroad company	624
and Cumberland counties, act preventing sale of liquor on election days, in	40
Cloverport, act to enable, to subscribe to capital stock of Cloverport and Fordsville Railway Company	425
Mining and Improvement Company, act to incorporate	1048
and Fordsville Railway Company, act to incorporate	1061
act to enable Cloverport to subscribe to capital stock of	425
Coal Company, Standard, act to incorporate	776
Iron, Timber and Transportation Company, Pineville, act to incorporate, and Improvement Company, Western Kentucky, act to incorporate the, ...	200
Coffey, John W., sheriff of Russell county, act for benefit of	886
College, Allen Male and Female, in Scottsville, Allen county, act to establish, ...	1041
Hodgenville Male and Female, act to incorporate	80
Columbia voting precinct, in Adair county, act to prohibit sale of liquors in . .	868
Commissioners, county, act to repeal act to amend chapter 575, an act to provide for electing	558
	936

Commonwealth Fire and Marine Insurance Company, of Covington, act to incorporate the	804
Conaloway creek, in Grayson county, act to declare, a navigable stream . . .	771
Constable of Murray magisterial district, in Calloway county, act allowing, to appoint deputy	3
Corinth Deposit Bank, act to charter the	280
Odd Fellows' Hall Company, act to incorporate	150
Coroner of Jefferson county, act in relation to	1014
Cote Brillante, Campbell county, act to incorporate	476
County commissioners, act to repeal act to amend chapter 575 of an act to provide for appointing and electing	936
County court, act to authorize the, at its court of claims, to levy ad valorem tax, and fix county levy in Adair county	1093
of Livingston, act to authorize, to levy ad valorem tax	1166
County courts of this Commonwealth, act to allow clerks of, to employ ladies as deputies	1058
County treasurer for Campbell county, act to amend act to create office of . . .	760
Court, Bowling Green city, act to fix time of holding regular civil terms of . .	129
city, of Louisville, act appointing official reporter for preservation of evidence in certain cases tried before the	423
county, act to authorize the, at its court of claims to levy ad valorem tax, and fix county levy in Adair county	1092
county, of Ballard, act to empower, to levy tax for road purposes . . .	1062
Boyle county, act to ratify subscription of, to stock of Boyle and Lincoln Turnpike Company	7
Carroll county, act to amend act authorizing the, to take stock in certain turnpike roads	374
county, Carter, act authorizing the, to levy ad valorem tax, and repeal laws authorizing levy of poll or capitation tax for county purposes ordinary	881
Casey county, act to authorize, to levy taxes and issue bonds to build court-house in said county	490
of Clay county, act to amend act to authorize to issue bonds	79
county, of Clay, act to empower, to sell old public square, etc.	128
Crittenden, act to authorize, to levy ad valorem tax	662
Floyd county, act to amend act authorizing the, to levy poll and ad valorem tax, and regulate levying capitation tax	817
county, of Gallatin, act authorizing, to keep up certain turnpike roads .	120
Harrison, act to empower to borrow H. C. Moore school fund	715
Jefferson county levy, act to enable to fix salary of Jefferson county treasurer	631
county, of Lawrence, act to legalize orders made by	728
Letcher county, act for benefit of Mrs. Manerva Brashears, late clerk of .	43
county, of Letcher, act to authorize to issue bonds	599
Livingston, act to authorize to levy ad valorem tax	1166
Logan county, act to repeal act to authorize the, to borrow money . . .	541

Court, county, Logan, act to authorize Thos. B. Harrison to sign orders of said court which his predecessor failed to sign	687
Martin county, act to authorize the, to levy ad valorem tax and issue bonds	202
county, of Nicholas, act to authorize the Carlisle and Plum Lick Turnpike Road Company to relinquish part of said road to . .	912
Owen, act authorizing, to issue bonds	148
Pike county, act to authorize to issue bonds	8
county, Rockcastle, act to authorize to levy and collect ad valorem tax .	186
of claims of Grant county, act to amend act to authorize, to levy tax for bridge purposes	54
in Marshall county, act to authorize special term of	71
of Marshall county, act to authorize to issue bonds and levy ad valorem tax	878
and levy, of Menefee county, act to authorize the, to levy ad valorem tax	899
of levy and claims, of Menefee county, act to authorize, the to levy ad valorem tax	899
house of Clark county, act declaring, within Winchester and Blue Ball precincts	181
Courts, county, of this Commonwealth, act to allow clerks of, to employ ladies as deputies	1058
Covington, act to provide for registration of voters in	791
act to regulate operation, etc., of bridges on Ohio river at	817
act to amend act to further regulate conduct of elections in	878
act to incorporate the Commonwealth Fire and Marine Insurance Company of	804
act to amend act to amend act to amend charter of	108
act to incorporate Home for Aged and Indigent Women at	626
Police District, in Kenton county, act to amend act to create	788
Coyne and Solar Detective Agency, in Campbell county, act to incorporate . .	29
Craig, William, act for benefit of	48
Crittenden county court, act to authorize, to levy ad valorem tax	662
Springs, act for police regulations at	1062
Crutcher Ford, Tunnel Mill and Rockbridge Church Turnpike Road Company, in Washington county, act to incorporate	531
Cumberland River and Tennessee Railroad Company, act to amend act to incorporate the	1147
and Clinton counties, act forbidding sale of liquor on election days in	40
Cunningham, Daniel L., Fred. Burch and William C. Williams, of Grant county, act for benefit of	88
Dallasburg and Sanders' Station Turnpike Road, act to incorporate the	342
Daviess county, act for benefit of B. F. Reeks, of	447
act to allow justices of peace living nearest court-house in lower town precinct No. 1, and upper town precinct No. 2, in, to hold terms of court at certain places	841

Davies and Henderson counties, act to incorporate the Laketown Fence Company, in	927
Daysville, Elkton and Fairview Turnpike Road Company, in Todd county, act to incorporate	111
Dayton, Campbell county, act to empower the Odd Fellows' Hall Association of to bond its debt	344
act to amend act to amend charter of	893
act to close Fifth street, in	727
Denham, J. B., late sheriff of Metcalfe county, act for benefit of	62
Deposit Bank of Calhoon, act to incorporate	116
at Fulton, act to incorporate	658
of Monroe county, act to incorporate	786
Deputies, act to allow clerks of county courts to employ ladies as	1058
Dime Saving Bank of Louisville, act incorporating	1182
District No. 114, in Barren county, act for benefit of	146
Dixie, Henderson county, act to establish system of common schools in	264
Dogs in Gallatin county, act imposing tax on	753
Dollar Savings Bank of Louisville, act to incorporate	1169
Drennon Creek Turnpike Company, act to incorporate, and authorize a portion of Henry county to indorse bonds of	881
Dunnville, in Casey county, act to amend act to incorporate	686
and Yosemite, in Casey county, act to prohibit sale of liquors near turnpike road between	197
East Union and Sharpsburg Turnpike Road Company, act to amend act for benefit of	53
Economic Heating Company, act to repeal act to incorporate, and to repeal act to amend act to incorporate	728
Economy Club of Louisville, act incorporating	694
Edmonson county, act allowing jailers of. pay while guarding prisoners at work	1087
Edmonson and Hancock counties, act to prescribe pay of justices of peace in	549
Ekron Gas and Manufacturing Company, act to incorporate	723
Elections, act to amend act to further regulate conduct of, in Covington	373
primary, in Franklin county, act to regulate, and punish bribery, etc., at	452
Elizaville Cemetery Company, act to amend charter of	8
Elkton, Todd county, act to amend act incorporating	779
and Guthrie Railroad Company, act to amend act to incorporate	729
Elliott county, act to regulate selling, etc., of liquors in	556
Elliott, Pike, Letcher, Martin, Knott, Floyd, Johnson and Carter counties, act to amend act to provide for working of prisoners in	882
Evansville Bridge Company, act to charter	711
Excelsior Paving Company, act to incorporate the	813
Ezel, Morgan county, act to amend act to incorporate	1151
Fair Company, Butler county, act to incorporate	740
Maysville, act to incorporate the	815
Falmouth, Pendleton county, act to amend act incorporating	85

Falmouth, act to amend charter of Pendleton Agricultural and Mechanical Association, at	754
Farmers' Bank at Mt. Pleasant, act to incorporate	1064
Fayette county, act to incorporate Granard, in	152
act for benefit of J. Soule Smith, of	708
act for protection of water-works companies, and to prevent pollution of reservoirs in	426
act to amend charter of Granard, in	924
act to authorize, to subscribe for stock in Kentucky Union Railway Company	563
act to empower, to make subscriptions to capital of Jack's Creek Turnpike Road	576
Building and Loan Association, act to amend charter of	574
Ferry Company, Wickliffe, Cairo and Bird's Point, act to create and incorporate	596
Fidelity Building and Loan Association, of Lexington, act to incorporate. . .	208
Trust Company, of Bowling Green, act to incorporate	1159
Louisville, act to amend act to incorporate	1194
Finn, G. T., of Simpson county, act for benefit of	548
First National Gas Company of Kentucky, act to incorporate the	386
First State Bank of Monterey, act to incorporate the	748
Fiscal affairs in Hardin county, act to regulate	708
Fleming county, act to amend charter of Elizaville Cemetery Company, in . .	8
act for benefit of common school district No. 1, white, of . .	321
Flemingsburg and Upper Fox Springs Turnpike Road Company, act to amend the	346
Flippin, Monroe county, act to incorporate the Monroe Normal School at . .	394
Floyd county, act for benefit of James P. Harris, Jr., late sheriff of	61
court, act to amend act authorizing the, to levy poll and ad valorem tax	817
Pike, Letcher, Martin, Knott, Johnson, Elliott and Carter counties, act to amend act to provide for working of prisoners in	382
and Johnson counties, act to prevent use of liquors near election ground at any election in	308
Fordsville, in Ohio county, act to amend part of act to incorporate	688
Mining, Manufacturing and Lumber Company, act to incorporate the	517
Foster, W. B., of Allen county, act for benefit of	1060
Frankfort, act to incorporate Citizens' Bank of	1077
Cemetery Company, act to amend act to amend act to incorporate .	923
act to amend act to incorporate the	542
Safety Vault and Trust Company, act to incorporate the	254
Franklin, Simpson county, act to amend charter of	858
county, act to regulate primary elections in, and to punish bribery, etc.	452
Frenchburg, act to amend act to reduce into one charter to	920
Fulton, act to incorporate Deposit Bank at	658

Gallatin county, act imposing tax on dogs in	763
court, act authorizing, to keep up certain turnpike roads in said county	120
Garrard county, act to provide for vote upon question of sale of liquors in . .	1006
act to amend charter of Bryantsville, in	896
Female College, act to amend act to incorporate	180
Gas Company, First National, of Kentucky, act to incorporate the	336
Kentucky Rock, act to incorporate the	466
Louisville, act to incorporate	157
West Point Natural, act to incorporate	869
and Manufacturing Company, Ekron, of Meade county, act to incorporate,	723
German Evangelical Church of St. Peters, of Louisville, act to amend act to incorporate	45
Mutual Fire Insurance Company, of Jefferson county, act to incorpo- rate the	306
Protestant Orphan Asylum Company, of Louisville, act to amend charter of	730
Ghent, act to prevent farm stock from running loose within limits of	934
Glasgow, act to amend charter of	450
Barren county, act to authorize, to issue bonds and fund indebted- ness	510
in Barren county, act to amend act to incorporate and repeal charter of	23
Gooch, Alexander G., of Logan county, act for benefit of	877
Granard, in Fayette county, act to amend charter of	924
act to incorporate	152
Grant county, act to amend act to create office of county treasurer for	856
act to amend act to create special road law for	578
act to amend act to authorize court of claims of, to levy tax for bridge purposes	54
act for benefit of Daniel L. Cunningham, Fred. Burch and Wm. C. Williams, of	33
Grant, Bracken, Pendleton and Harrison counties, act to amend act to prevent stock running at large in	530
Graves county, act to authorize restoration of deeds and titles to real estate in, destroyed by fire	1017
act authorizing division of school district No. 43, in	449
act to extend limits of Mayfield, in	685
act to incorporate Lowes, in	619
Grayson county, act to authorize to vote ad valorem tax	668
act to declare Conoloway creek in, a navigable stream	771
Green county, act for benefit of Alex. Milby, of	156
Green Hill Seminary, in Barren county, act for benefit of district No. 114, known as	146
Green and Taylor counties, act to change line between	430
act to prohibit sale of liquor in, on election days	690
Greenup county, act to incorporate Springville, in	925

Greenup county, act for the benefit of owners or lessees of ferry at Russell, in,	1006
Greer's Creek Turnpike Road Company, in Woodford county, act to amend charter of	481
Hamilton College, in Lexington, act to amend act to amend act incorporating,	668
Hammond, John J., of Anderson county, act for benefit of	802
Hancock county, act to incorporate Sandy Creek Farm District, in	698
Hancock Storage and Warehouse Company, act to incorporate the	296
Hancock and Edmonson counties, act to prescribe pay of justices of peace in .	549
Hanson Graded School, act to incorporate	1041
Hardin county, act again submitting to voters of, question of selling liquors in,	1009
act to provide for construction, etc., of public roads in	498
act to regulate fiscal affairs of	708
act to incorporate Lynnland Female College, in	127
act to amend act to incorporate Vine Grove Seminary, in	680
Fair Association, act to incorporate	848
Hardinsburg Normal and Collegiate Institute, act to incorporate	679
and Rough Creek Magisterial District, in Breckinridge county,	
act to change line between the	447
Hardyville, in Hart county, act to amend act to incorporate	147
Harlan, Bank of, act to incorporate	68
Harris, James P., Jr., sheriff of Floyd county, act for benefit of	61
Harrison, Bracken, Pendleton and Grant counties, act to amend act to prevent stock running at large in	580
county, act to incorporate the Abdallah Park Association, of, ...	209
court, act to empower to borrow H. C. Moore school fund	715
Harrison, Thomas B., judge of Logan county court, act to authorize, to sign orders of said court which his predecessor failed to sign	687
Hart county, act to amend act to incorporate Hardyville, in	147
Hartford College and Business Institute act to incorporate Adelpshian Society, of	665
Hawesville, act to amend act to provide for erection of school building in common school district No. 1, in	681
act to incorporate and establish public school for colored people in, and within certain distance of court-house	259
Safety Vault and Trust Company, act to incorporate the	585
and Cummins Turnpike Road Company, in Bourbon county, act to amend act to incorporate the	540
Hays, W. H., of Bullitt county, act for benefit of	541
H. C. Moore school fund, act to empower the Harrison county court to borrow.	715
Helena, Mason county, act to amend act to incorporate	504
Henderson, act to amend act to authorize, to issue bonds	669
act to repeal charter of	937
county, act to establish system of common schools in Dixie, in	264
act to amend charter of Spottsville, in	680
Hartford and Knoxville Railroad Company, act to incorporate the,	508
State Line Railroad Company, act to incorporate	1185
and Daviess counties, act to incorporate the Laketown Fence Company, in	927

Henry county, act to authorize portion of, to indorse bonds of Drennon Creek Turnpike Company	881
act to incorporate Kentucky River, Port Royal and Hopewell Turnpike Company, and authorizing a portion of, to indorse bonds of said company	1151
Trust Company, at New Castle, act to incorporate the	520
Hickman county, act for punishment of petit larceny, in	770
act for benefit of W. R. Johnson, sheriff of	1148
Hiseville, Barren county, act to amend and reduce into one acts relating to . .	359
Hodgenville Male and Female College, act to incorporate	863
and Middle Creek Turnpike Road, in Larue county, act to incorporate the	412
Home and Savings Fund Company, of Louisville, act to incorporate	690
Home for Aged and Indigent Women, at Covington, act to incorporate	626
Hopkins county, act to incorporate National Institute at Madisonville, in . . .	410
act to incorporate Morton's Gap, in	132
Hopkinsville, act to extend and amend charter of Bank of	549
Savings Bank, act to incorporate	750
Hoskins, Fannie E., of Taylor county, act for benefit of	331
Hotel and Building Company, Richmond, act to incorporate	761
Hotel and Railroad Company, Mammoth Cave, act to amend act to incorporate the	390
Huntsville, Butler county, act to incorporate	217
Hustonville and Coffey's Mill Turnpike Road Company, act to amend act to incorporate	625
Independent Order of Wise Men, act to incorporate	717
Sons and Daughters of Honor, act to incorporate King David Lodge No. 87	909
Infirmary of Mason county, act to amend act for benefit of	130
Inspector of Lumber of Louisville, act to abolish office of, and establish Lumber Exchange	1010
Institute, Campton, act to amend act to incorporate	1165
Carr, act to amend part of act to amend act to incorporate the	403
Hardinsburg Normal and Collegiate, act to incorporate	679
National, at Madisonville, Hopkins county, act to incorporate the	410
Insurance Company, German Mutual Fire, of Jefferson county, act to incorporate the	306
Limestone, of Maysville, act to amend act to incorporate the	541
Mutual Fire, of Kentucky, act to incorporate the	186
Investment Company, Kentucky, act to incorporate	189
act to amend act to incorporate	772
Iron Company, Peninsular, act to incorporate	767
Jack's Creek Turnpike Road, act to empower Fayette county to make subscriptions to capital of	576
Jailers of Edmonson county, act allowing pay while guarding prisoners at work	1087

Jefferson county, act to amend charter of Parkland, in	780
act to establish board of county commissioners for	881
act to establish public landing on Ohio river, in	881
act to incorporate the German Mutual Fire Insurance Com- pany of	806
act in relation to coroner of	1014
act to prevent trespassing on real estate in	1098
levy court, act to enable, to fix salary of Jefferson county treasurer	681
treasurer, act to enable Jefferson county levy court to fix sal- ary of	681
and Oldham counties, act to amend act to provide stock law for . . .	1080
Jellico Bank, act to incorporate	68
Johnson county, act to authorize organization of graded school in common school district No. 8, in	638
act for benefit of Frank Preston, etc., of	548
act to incorporate Chestnut Grove Church, in	27
act to establish public graded school in common school district No. 7, in	276
Pike, Letcher, Martin, Knott, Floyd, Elliott, and Carter counties, act to amend act to provide for working of prisoners in	382
W. R., sheriff of Hickman county, act for benefit of	1148
and Floyd counties, act to prevent use of liquors near election ground at any election in	808
Journeyman Plasterers' Association, in Kenton and Campbell counties, act to incorporate	124
Justices of peace, act to allow, living nearest court-house in lower town pre- cinct No. 1 and upper town precinct No. 2, in Daviess county, to hold terms of court at certain places	841
in Edmonson and Hancock counties, act to prescribe pay of	549
Kenton county, act to amend act to provide for electing commissioners for . .	10
act to amend act to create Covington Police District, in	738
Kenton and Campbell Humane Society, act to incorporate	1088
counties, act to incorporate Journeyman Plasterers' As- sociation, in	124
Kentucky Agricultural and Mechanical Association of Lexington, act to amend act to amend act to incorporate the, and repeal act amending same	802
Kentucky Investment Company, act to incorporate the	189
act to amend act to incorporate	772
Manufacturing Establishment for Blind, act to amend act to incor- porate the	1016
Paving and Contract Company, act to amend act to incorporate . . .	918
River, Port Royal and Hopewell Turnpike Road Company, act to incorporate	1151
Rock Gas Company, act to incorporate the	466
Title Company, act to amend charter of Louisville Abstract and Loan Association, by changing its name to	688

Kentucky Union Railway Company, act authorizing Fayette county to subscribe for stock in	563
and South-western Land Development and Manufacturing Company, act to incorporate the	514
and West Virginia Bridge Company, act to incorporate	610
King David Lodge No. 37, Independent Sons and Daughters of Honor, act to incorporate the	909
King, Solomon, of Marshall county, act for benefit of	332
Kittle Creek Turnpike Road Company, in Warren county, act to incorporate .	714
Knights of America, Supreme Council Catholic, act to amend charter of . . .	507
Pythias, act to incorporate Persian Lodge No. 18, of Bowling Green	312
Knott county, act to incorporate board of commissioners and treasurer for . .	932
Pike, Letcher, Martin, Floyd, Johnson, Elliott and Carter counties, act to amend act to provide for working of prisoners in	382
Lagrange, act to enable citizens of Oldham county to complete turnpike road from, to Ohio river at Westport	622
Laketown Fence Company, in Daviess and Henderson counties, act to incorporate the	927
Lancaster, act to amend act to consolidate acts in regard to	1063
City Hall Association, act to amend act incorporating the	446
Land Development and Manufacturing Company, Kentucky and Southwestern, act to incorporate the	514
Land and Mining Company, Licking Valley, act to amend act to incorporate, .	192
Larue county, act to incorporate the Hodgenville and Middle Creek Turnpike Road, in	412
Laurel county, act to incorporate Pittsburg Co-operative Mercantile Association, in	875
Lawrenceburg Colored Cemetery Company, act to incorporate	24
Lawrence county court, act to legalize orders made by	723
Lee county, act to amend part of act to establish institution of learning and parochial church near Beattyville, in	631
Lenoxburg, act to authorize marshal of, to appoint deputy	127
Lewisburg, Logan county, act to amend act incorporating	67
Lewisburg High School, in Logan county, act to amend act to incorporate the, .	273
Lewis county, act to amend charter of Vanceburg, in	812
Letcher county court, act to authorize, to issue bonds, ...	599
act for benefit of Mrs. Manerva Brashears, late clerk of, ...	43
Letcher, Pike, Martin, Knott, Floyd, Johnson, Elliott and Carter counties, act to amend act to provide for working of prisoners in	382
Lexington, act to incorporate the Fidelity Building and Loan Association, of, .	203
act to amend act to amend act to incorporate Agricultural and Mechanical Association at, and repeal act amending same	802
act to amend act to amend act incorporating Hamilton College, in, ...	663
act to incorporate Saturday Night Saving and Loan Association, in, ...	105
Opera House Company, act to amend charter of	8
and Madison Railway Company, act to incorporate	565

Licking Valley Bank of West Liberty, act to incorporate	1192
Land and Mining Company, act to amend act to incorporate	192
Limestone Insurance Company of Maysville, act to amend act to incorporate the, ...	541
Lincoln county, act to amend act to incorporate Rowland, in	804
Liquor, act to prohibit sale of, in Green and Taylor counties, on election days, ...	690
Liquors, act to prohibit sale of, in Robertson county	554
act to regulate selling, etc., of, in Elliott county	556
Liquor, act to prohibit sale of, near Mannsville, in Taylor county	646
act concerning sale of, in Nelson county	647
Liquors, act to amend act to regulate sale of, so far as applies to Menefee, Powell and Wolfe counties	575
Liquor, act concerning vote on sale of, in Casey county	572
act to prohibit sale of, in Rowan county	102
Liquors, act to prohibit sale of in prescribed boundary in Madison county	11
Liquor, act to prohibit sale of, near Spurlington, in Taylor county	888
act to prohibit sale of, near Methodist Mission Church, near Owensboro	887
act to prohibit sale of, on election days, in Calloway county	884
act to prohibit sale of, near Pleasant Grove Baptist Church, in Clay county	887
act to prohibit sale of, near Otter Creek Baptist Church, in Wayne county	833
act to prohibit sale of, in Wayne county	718
Liquors, act to prohibit sale of, in Columbia voting precinct, in Adair county, ...	553
act to regulate sale of, in Catlettsburg	480
act to amend charter of Bryantsville, in Garrard county, prohibiting sale of	895
act to prevent use of, near election ground at any election in Floyd and Johnson counties	303
act to prohibit sale of, on election days, in Adair county.	303
act to prohibit sale of, near turnpike road between Yosemite and Dunnville, in Casey county	197
act to prohibit sale of, near Bethany Church, in Morgan county	301
act in relation to sale of, in Webster county	1113
act again submitting to voters of Hardin county question of selling, in said town	1009
act to provide for vote upon question of sale of, in Garrard county	1005
act to amend act to prohibit sale of, in Muhlenberg county	911
act forbidding sale of, on election days, in Clinton and Cumberland counties	40
Lodge, Capital, No. 6, I. O. O. F., act for benefit of	450
Logan county, act to amend act to amend act to empower to retire bonds to create sinking fund	126
act to amend charter of Adairville, in	125
act to amend act to empower, to retire bonds, to create sinking fund	126
act to amend act to incorporate the Lewisburg High School, in	273

Logan county, act for benefit of Alexander G. Gooch, of	877
act to amend act incorporating Lewisburg, in	67
court, act to authorize Thos. B. Harrison, judge of, to sign orders of said court which his predecessor failed to sign	687
act to repeal act to authorize the, to borrow money	541
Louisville, act to incorporate Twenty-second and Walnut Street Baptist Church, in	576
act to amend act to incorporate the German Evangelical Church of St. Peters, in	45
act to incorporate the Spiritual Temple Society, of	41
act to amend charter of German Protestant Orphan Asylum Com- pany, in	780
act incorporating Economy Club, of	694
act to incorporate Home and Savings Fund Company, at	690
act in relation to public printing of	704
act to amend act establishing new charter for	726
act to amend charter of	581
act to vacate Park Place in, and provide for opening and dedica- tion of Ormsby Avenue through same	552
act appointing official reporter for preservation of evidence in cer- tain cases tried before city court of	423
act respecting vagrants in	403
act to incorporate Michigan Lumber Company, at	810
act to incorporate the Louisville Fire and Life Protective Associa- tion of	326
act to amend act to incorporate Fidelity Trust Company, of . . .	1194
act to incorporate the Dollar Savings Bank of	1169
act incorporating Dime Saving Bank of	1182
act to amend act establishing new charter for	172
act to establish Lumber Exchange for, and abolish office of In- spector of Lumber	1010
Abstract and Loan Association, act to amend charter of	688
Bank of, act to amend charter of	110
Democratic Club, act to incorporate	149
Deposit Bank, act to incorporate	670
Fire and Life Protective Association of Louisville, act to incorpo- rate the	326
Gas Company, act to incorporate	157
Lowell and Berea Turnpike Road Company, act to incorporate	615
Lower Town Precinct No. 1 and Upper Town Precinct No. 2, in Davies county, act to allow justices of peace living nearest court-house in, to hold terms of court at certain places	341
Lowes, in Graves county, act to incorporate	619
Ludlow, act to amend charter of	145
Lumber Exchange, for Louisville, act to establish a, and abolish office of In- spector of Lumber	1010

INDEX.

1221

Lynland Female College, in Hardin county, act to incorporate	127
Madison county, act to prohibit sale of liquor in prescribed boundary in	11
Madisonville, act to amend and reduce acts concerning	1119
act to establish system of public schools for colored children in	472
Hopkins county, act to incorporate National Institute at	410
Magoffin county, act to authorize John M. Arnett to erect boom across Bill	
Oakley creek, in	378
act to create board of commissioners for	544
act for benefit of common school district No. 15, in	1168
Mammoth Cave Hotel and Railroad Company, act to amend act to incorporate	
the	390
Mannaville, Taylor county, act to prohibit sale of liquor near	646
Manufacturing Establishment for Blind, Kentucky, act to amend act to incor-	
porate the	1015
Marion county, act for benefit of	1067
act to regulate making, etc., of county roads in	488
act to repeal act fixing compensation of railroad tax collector	
of	445
act to amend act to amend acts in reference to	666
Marshall county, act for benefit of Solomon King, of	382
act to consolidate common school district No. 38, in, with	
Marshall County Seminary, at Benton	591
act to authorize special term of court of claims in	71
Banking and Trust Company, act chartering	1194
court of claims, act to authorize, to issue bonds and levy ad	
valorem tax	878
Seminary, at Benton, act to consolidate with school district	
No. 38, in Marshall county	591
Martin county, act to create board of commissioners in	840
court, act to authorize the, to levy ad valorem tax and issue	
bonds	202
Pike, Letcher, Knott, Floyd, Johnson, Elliott, and Carter counties, act	
to amend act to provide for working of prisoners in	382
Mason county, act to amend act to incorporate Helena, in	504
act to amend act for benefit of county infirmary of	180
act to amend charter of Middle Trace Turnpike Road Company,	
Northern Division, in	819
Mayfield, act to amend act to amend charter of, and to authorize to pay for	
stock in Cairo and Tennessee River Railroad Company	44
in Graves county, act to extend corporate limits of	686
Maysville, act to amend the charter of	347
act to ratify water-works ordinance of	601
act to amend act to incorporate Limestone Insurance Company, of.	
Fair Company, act to incorporate the	815
Water Company, act to amend act to charter	601
and Lexington Turnpike Road, act to repeal act to prevent stock	
from running at large on	722

McBride's Run and Concord Turnpike Road Company, act to charter	854
McCoun Ferry and Wheat's Mill Turnpike Road Company, act to amend act to incorporate the	432
McCracken county, act for benefit of	853
McGlothlin, I. N., of Simpson county, act for benefit of	1086
McLean county, act to amend act to amend charter of Beech Grove, in	607
Meade county, act for benefit of J. W. Richardson, of	311
act to incorporate Ekron Gas and Manufacturing Company, in	723
Meadowthorpe Kennel, act to incorporate	748
M. E. Church, in Mt. Olivet, Robertson county, act to empower trustees of, to sell property of	63
Menelos and Silver Creek Station Turnpike Road Company, act to incorpo- rate the	813
Menefee county, act to authorize court of levy and claims of, to levy ad va- lorem tax	399
act directing Secretary of State to furnish with certain books	104
Powell and Wolfe counties, act to amend act to regulate sale of liquor, so far as it applies to	575
Mercantile Bank and Saving Association, act to amend act to incorporate the .	1149
Mercer Circuit Court, act for benefit of Richard Board, late clerk of	123
Mercer county, act to amend charter of Burgin, in	614
Merchants' Deposit Bank of Central City, act to incorporate the	458
Metcalf, Barren and Monroe counties, act to repeal in part act to authorize, to raise money to aid in construction of a railroad	62
Metcalf county, act for benefit of J. B. Denham, late sheriff of	62
Methodist Mission Church, near Owensboro, act to prohibit sale of liquor near, Protestant Church for the Tennessee District, act to incorporate	837
Michigan Lumber Company, at Louisville, act to incorporate the	4
Middle Trace Turnpike Road Company, Northern Division, in Mason county, act to amend charter of	810
Milby, Alex., of Green county, act for benefit of	819
Mining Company, New Jellico, act to incorporate	156
Rugby, act to incorporate the	638
Mining, Manufacturing and Lumber Company, Fordsville, act to incorporate the	289
Mining and Improvement Company, Cloverport, act to incorporate	517
Monroe, Barren and Metcalf counties, act to repeal in part act to authorize, to raise money to aid in construction of a railroad	1048
Monroe county, act to incorporate the Monroe Normal School at Flippin, in .	62
act to incorporate Deposit Bank of	394
Monroe Normal School, act to incorporate the, at Flippin, Monroe county . .	786
Monterey, Owen county, act to amend act to reincorporate	394
Moorefield, in Nicholas county, act for benefit of Presbyterian Church at . .	446
Morehead, Rowan county, act to repeal original charter and make new charter for	913
Morgan county, act to incorporate Christian Church at Bethany, in	1023
	1

Morgan county, act to prohibit sale of liquors near Bethany Church, in	301
act to amend act to incorporate Ezel, in	1151
Morganfield graded school district, act for benefit of persons living within . .	921
Union county, act to amend act to establish public school in	384
Morton's Gap, in Hopkins county, act to incorporate	132
Mt. Olivet Deposit Bank, act to incorporate	914
Robertson county, act to empower trustees of M. E. Church, in, to sell property of said church	63
Mt. Pleasant, act to incorporate Farmers' Bank at	1064
Mt. Sterling, act to amend act to amend acts incorporating	81
Coal Road Company, act to amend act to amend act to incorpo- rate	49
Mt. Vernon, Rockcastle county, act to repeal act to amend act to recharter . .	431
Muhlenberg county, act to amend act to prohibit sale of liquors in	911
Murray, Bank of, in Calloway county, act to incorporate	75
magisterial district, in Calloway county, act giving constable of, right to appoint deputy	8
and Mayfield Turnpike Company, act to incorporate	589
Mutual Fire Insurance Company, of Kentucky, act to incorporate the	186
National Institute, at Madisonville, Hopkins county, act to incorporate the . .	410
Surety Company, act to amend act to incorporate the	410
Nelson county, act to amend charter of New Hope, in	1087
act concerning sale of liquor in	647
New Castle, act to incorporate Henry County Trust Company, at	520
New Hope, in Nelson county, act to amend charter of	1087
New Jellico Mining Company, act to incorporate	638
New Liberty, act to amend charter of Citizens' Bank, of	534
Owen county, act to amend acts incorporating	898
Branch Turnpike Road, and the Owenton and New Liberty Turnpike Road, in Owen county, act for benefit of lessees of	32
Newport, Campbell county, act to amend act to amend charter of	1165
and Licking, the Old State Road, and the Alexandria and Licking Turnpike Companies, in Campbell county, act to enable, to con- solidate	6
Nicholas county, act for benefit of Presbyterian Church at Moorefield, in . . .	913
act to amend act to incorporate White Chimney and Stony Creek Turnpike Road Company	1167
court, act to authorize Carlisle and Plum Lick Turnpike Road Company to relinquish part of said road to the	912
Nicholasville, act to amend act to consolidate and repeal charter of	852
Building Association, act to incorporate the	461
Street Railway Company, act to incorporate	198
Normal School, at Augusta, in Bracken county, act to establish	664
North Middleton Fair Association, act to incorporate the	464
Northern Bank of Kentucky, act to amend charter of	1059
Northern Division, Middle Trace Turnpike Road Company, in Mason county, act to amend charter of	819

Odd Fellows' Hall Association, of Dayton, Campbell county, act to empower the, to bond its debt	344
Company, Corinth, act to incorporate	150
Odd Fellows' Orphanage, act to incorporate the	248
Ohio county, act to amend part of act to incorporate Fordsville, in	638
Cumberland and Mississippi River Railway Company, act to incorporate the	435
river, act to regulate operation, etc., of bridges on, at Covington	817
act to establish public landing on, in Jefferson county	331
Oldham county, act to appoint commissioners and to enable citizens of, to complete turnpike road from Lagrange to Ohio river at Westport, ...	622
act to amend act for benefit of school district No. 25, in	763
Oldham and Jefferson counties, act to amend act to provide stock law for . .	1080
Old State Road, the Newport and Licking, and the Alexandria and Licking Turnpike Companies, in Campbell county, act to enable, to consolidate . . .	6
Opera-house Company, Lexington, act to amend charter of	3
Ormsby avenue, act to vacate Park Place, in Louisville, and provide for opening and dedication of, through same	552
Orphanage, Odd Fellows', act to incorporate the	248
Otter Creek Baptist Church, in Wayne county, act to prohibit sale of liquor near	833
Owen county, act to amend act to reincorporate Monterey, in	446
act to amend acts incorporating New Liberty, in	898
act creating new charter for Owenton, in	13
act for benefit of lessees of New Liberty branch, and the Owenton and New Liberty Turnpike Road, in	32
act to incorporate Pleasant Home, in	505
act regulating advertisement of real estate in	918
court, act authorizing, to issue bonds	143
Owensboro, in Daviess county, act to prohibit sale of liquor near Methodist Mission Church, in	837
act to authorize, to aid in construction of Owensboro and Indiana bridge	604
act to incorporate the Standard Club, of	1022
act to amend act to authorize, to subscribe stock to Vincennes, Oakland City and Owensboro Railroad Company	1146
act amending charter of	919
Real Estate Company, act to incorporate the	525
and Indiana bridge, act to authorize Owensboro to aid in construction of	604
and Indiana Bridge Company, amendment to act to incorporate.	44
Owenton, in Owen county, act creating new charter for	13
and New Liberty Turnpike Road and the New Liberty Branch Turnpike Road, in Owen county, act for benefit of lessees of	32
Owingsville Cemetery Company, act to amend charter of	852
Paducah, act to incorporate Union Trust Company, of	404
act to amend act to incorporate Citizens' Bank, at	790

INDEX.

1225

Paducah and Cairo Railroad Company, act to incorporate	177
and North Ballard Turnpike Road Company, act to amend act to in- corporate the	881
and Southern Railroad Company, act to incorporate	178
Maxon's Mill and Ogden's Landing Turnpike Road Company, act to incorporate the	848
Savings Bank, act to incorporate the	806
Trust Company, act to incorporate.	864
Paris and Ruddell's Mills Turnpike Road Company, act to amend charter of .	760
Paris Street Railway Company, act to incorporate the	298
Park Place, act to vacate, in Louisville, and provide for opening and dedication of Armsby Avenue through same	552
Parkland, Jefferson county, act to amend charter of	780
Paving and Contract Company, Kentucky, act to amend act to incorporate . .	917
Pendleton Agricultural and Mechanical Association, at Falmouth, act to amend charter of	754
Bracken, Grant and Harrison counties, act to amend act to prevent stock running at large in	530
county, act to amend acts incorporating Falmouth	85
act to incorporate Butler Cemetery Company, in	72
Peninsular Iron Company, act to incorporate.	767
People's Homestead and Saving Association, act to incorporate	1068
Persian Lodge No. 18, Knights of Pythias, of Bowling Green, act to incorpo- rate the	812
Petit larceny, act to provide for punishment of, in Hickman county	770
Physicians, act to authorize county judge of Trimble county to issue certifi- cates to, for pauper claims	1098
Pike county, act to authorize George W. Smith to erect mill-dam across Rock- house Fork of Big creek, in	811
court, act to authorize to issue bonds	8
Letcher, Martin, Knott, Floyd, Johnson, Elliott and Carter counties, act to amend act to provide for working of prisoners in	382
Pine Hill Cemetery, act to legalize orders made by Lawrence county court, and authorize said court to open public highways to	728
Pineville, act to incorporate Savings and Loan Association of	527
Coal, Iron, Timber and Transportation Company, act to incorpo- rate	200
Street Railway Company, act to incorporate	746
Pittsburg Co-operative Mercantile Association, in Laurel county, act to incor- porate	875
Pleasant Grove Baptist Church, in Clay county, act to prohibit sale of liquor near	887
Home, Owen county, act to incorporate	505
Pleasureville, Oakland and Sweet Home Turnpike Road Company, act to incor- porate	585
Police regulations at Crittenden Springs, act for	1062
Powell, Menefee and Wolfe counties, act to amend act to regulate sale of liquor, so far as applies to	575

Presbyterian Church at Moorefield, in Nicholas county, act for benefit of . . .	913
Preston, Frank, etc., of Johnson county, act for benefit of	548
Proctor, act to amend charter of, and reduce into one acts thoreto	1094
Providence, Webster county, act to repeal act to amend act to incorporate . .	451
Public Printing of Louisville, act in relation to	704
Pulaski, Wayne and Clinton counties, act to smend act to authorize, to sub- scribe stock in any railroad company	624
Railroad Company, act to repeal acts and parts of acts, so far as authorize Scott county to subscribe stock in any	253
Bowling Green and Northern, act to amend act to incorpo- rate the	457
act to amend act to incorpo- rate the, and authorizing Warren county to sub- scribe aid to said com- pany	391
Buffalo and Hodgenville, act to incorporate	1173
Cairo and Tennessee River, act to amend act to amend char- ter of the	922
act to amend act to amend char- ter of	606
act to amend act to amend char- ter of Mayfield, and to au- thorize, to pay for stock in . .	44
Railway Company, Central Valley, act to incorporate the	283
Cloverport and Fordsville, act to incorporate	1051
act to enable Cloverport to sub- scribe to capital stock of . . .	425
Railroad Company, Cumberland River and Tennessee, act to amend act to in- corporate the	1147
Elkton and Guthrie, act to amend act to incorporate . . .	729
Henderson, Hartford and Knoxville, act to incorporate the	508
Henderson State Line, act to incorporate	1185
Railway Company, Kentucky Union, act authorizing Fayette county to sub- scribe for stock in	563
Lexington and Madison, act to incorporate	565
Nicholasville Street, act to incorporate	198
Ohio, Cumberland and Mississippi River, act to incorpo- rate the	485
Railroad Company, Paducah and Cairo, act to incorporate	177
Paducah and Southern, act to incorporate	173
Railway Company, Paris Street, act to incorporate the	298
Pineville Street, act to incorporate	746
Richmond Street, act to incorporate	705
Somerset Street, act to amend charter of, and to authorize Somerset, to guarantee payment of certain bonds of said company	888

INDEX.

1227

Railway Company, Stanford Street, act to incorporate the	333
Street, act incorporating a, in Barbourville	400
Railroad Company, Vincennes, Oakland City and Owensboro, act to incorporate the	212
Vincennes, Oakland City and Owensboro, act to amend act to authorize Owensboro to subscribe stock to the	1146
West Virginia, Pineville and Tennessee, act to incorporate the	483
companies, act to amend act to regulate subscriptions to capital stock of, in Clark county	1150
tax collector of Marion county, act to repeal act fixing compensation of	445
Railway Transfer Company, Short Route, act to amend act to incorporate the .	319
Ashland and Catlettsburg Street, act to amend act to incorporate	790
Rawlins, T. L., of Clay county, act for benefit of	448
Real estate, act to prevent trespassing on, in Jefferson county	1093
act to authorize restoration of, in Graves county, destroyed by fire.	1017
in Owen county, act regulating advertisement of	918
Company, Owensboro, act to incorporate the	525
Reeks, B. F., of Daviess county, act for benefit of	447
Richardson, J. W., of Meade county, act for benefit of	311
Richmond Hotel and Building Company, act to incorporate	761
Street Railway Company, act to incorporate	705
Road Company, Mt. Sterling Coal, act to amend act to amend act to incorporate	49
Road law, act to amend act to establish a, for Boyd county	1146
Road, Turnpike, Dallasburg and Sanders' Station, act to incorporate the . . .	342
Hodgenville and Middle Creek, in Larue county, act to incorporate the	412
Jack's Creek, act to empower Fayette county to make subscription to capital of	576
Maysville and Lexington, act to repeal act to prevent stock from running at large on	722
New Liberty Branch and the Owenton and New Liberty, in Owen county, act for benefit of lessees of	32
Pleasureville, Oakland and Sweet Home, act to incorporate	585
Roads, county, act to regulate making, etc., of, in Marion county	433
public, in Hardin county, act to provide for construction, etc., of	498
turnpike, act authorizing Gallatin county court to keep up certain	120
act to authorize Clark county to receive, surrender and operate certain	339
in Shelby county, act to provide for repair of	835
act to amend act authorizing Carroll county court to take stock in certain	374
in Bath county, act to amend act to prohibit stock running at large on	32

Robertson county, act to authorize and empower trustees of M. E. Church, in Mt. Olivet, in, to sell and convey property of said church	68
act to prohibit sale of liquors in	554
Rockcastle county, act to repeal act to amend act to recharter Mt. Vernon, in	431
court, act to authorize the, to levy and collect ad valorem tax, ...	186
Rock House Fork of Big creek, in Pike county, act to authorize George W. Smith to erect mill-dam across	311
Rough Creek and Hardinsburg Magisterial District, in Breckinridge county, act to change line between	447
Rowan county, act to repeal original charter, and make new charter for Morehead, in	1023
act to prohibit sale of liquor in	102
Rowland, Lincoln county, act to amend act to incorporate	801
Rugby Mining Company, act to incorporate	289
Russell county, act for benefit of John W. Coffey, sheriff of	1041
Russell, Greenup county, act for benefit of owners or lessees of ferry at	1008
Russellville, act to amend charter of	924
Safety Vault and Trust Company, Hawesville, act to incorporate the	535
Frankfort, act to incorporate the	254
Sandy Creek Farm District, in Hancock county, act to incorporate	698
Saturday Night's Saving and Loan Association of Lexington, act to incorporate	105
Savings and Loan Association, of Pineville, act to incorporate the	527
School, act to establish public, for colored people, in Hawesville, and within certain distance of court-house	259
district, common, No. 1, white, of Fleming county, act for benefit of	321
Morganfield graded, act for benefit of persons living within	921
Williamstown graded free, act for benefit of	443
No. 15, of Magoffin county, act for benefit of	1163
No. 43, in Graves county, act authorizing division of	449
districts Nos. 1 and 26, in Carroll county, act to amend act to consolidate, and provide for school building and levying additional tax.	815
Hanson graded, act to incorporate	1041
Lewisburg high, in Logan county, act to amend act to incorporate the, ...	273
Monroe Normal, act to incorporate the, at Flippin, Monroe county	394
public, act to amend act to establish a, in Morganfield, Union county	384
graded, act to establish a, in common school district No. 7, in Johnson county	275
Schools, act to establish system of common, in Dixie, Henderson county	264
common, act for benefit of, in Shelby county	399
public, act to establish system of, for colored children, in Madisonville	472
act to incorporate and establish system of, in district No. 49, including Adairville	376
and high, act to amend act to establish, for Sebree, in Webster county	756

Scott county, act to repeal acts and parts of acts, so far as the same authorize, to subscribe stock in any railroad company	253
Scottsville, act to amend act amending acts in relation to	889
Allen county, act to establish Allen Male and Female College, in	80
Sebree, Webster county, act to amend act to establish system of schools in	756
Secretary of State, act directing, to furnish Menefee county certain books	104
Session Acts 1878, act to amend section 2, chapter 419, of	790
Shelby Club, act to incorporate	643
county, act for benefit of common schools in	899
act to provide for repair of turnpike roads in	885
Shepherdsville, Bank of, act to incorporate	81
Sheriff of Campbell county, late, J. J. White, act for benefit of	1167
late, T. M. White, act for benefit of	1168
Clay county, Robert Clark, act for benefit of	847
Floyd county, James P. Harris, Jr., act for benefit of	61
Hickman county, W. R. Johnson, act for benefit of	1148
Metcalf county, J. B. Dunham, act for benefit of	62
Russell county, John W. Coffey, act for benefit of	1041
Webster county, James D. Blackwell, act for benefit of	412
Short Route Railway Transfer Company, act to amend act to incorporate the	819
Simpson county, act to amend charter of Franklin, in	863
act to change line between certain school districts in	864
act for benefit of G. T. Finn, of	548
act for benefit of Thomas Bradshaw, of	42
act for benefit of J. F. Walton, of	687
act for benefit of W. A. Butt, of	1061
act for benefit of I. N. McGlothlin, of	1086
Simpsonville, act to amend charter of	415
Smith, George W., act to authorize, to erect mill-dam across Rock-house Fork of Big creek, in Pike county	811
Smith, J. Soule, of Fayette county, act for benefit of	708
Society, Kenton and Campbell Humane, act to incorporate	1088
Spiritual Temple, of Louisville, act to incorporate	41
Somerset, act to amend charter of Somerset Street Railway Company, and to authorize, to guarantee payment of certain bonds of said company, ...	886
Street Railway Company, act to amend charter of, and to authorize Somerset to guarantee payment of certain bonds of said company, ...	888
South Louisville, act to amend act to incorporate	109
Southern Pacific Company, act to amend act to incorporate the	310
Spiritual Temple Society, of Louisville, act to incorporate	41
Spottsville, in Henderson county, act to amend charter of	630
Springville, in Greenup county, act to incorporate	925
Spurlington, in Taylor county, act to prohibit sale of liquor in	888
Standard Club of Owensboro, act to incorporate	1022
Standard Coal Company, act to incorporate	776
Stanford Street Railway Company, act to incorporate the	58
Stock law for Jefferson and Oldham counties, act to amend act to provide for	1080

Storage and Warehouse Company, Hancock, act to incorporate the	296
Supreme Council Catholic Knights of America, act to amend charter of	507
Surety Company, National, act to amend act to incorporate the	410
Taylor county, act to prohibit sale of liquor in Spurlington, in	838
act to prohibit sale of liquor near Mannsville, in	646
act to reincorporate and amend laws for Campbellsville, in	219
act to amend act for benefit of	142
act for benefit of Fannie E. Hoskins, of	331
Taylor and Green counties, act to prohibit sale of liquor in, on election days.	690
act to change line between	430
Tennessee District, act to incorporate the Methodist Protestant Church for	4
Todd county, act to amend act incorporating Elkton, in	779
act to incorporate Daysville, Elkton and Fairview Turnpike Road Company, in.	111
Transfer Company, Central, act to amend act to incorporate.	2
Treasurer for Knott county, act to incorporate board of commissioners and, for, ...	932
Trimble county, act to authorize county judge of, to issue certificates to physicians for pauper claims	1093
Trust Company, Fidelity, of Louisville, act to amend act to incorporate	1194
Fidelity, of Bowling Green, act to incorporate	1159
Paducah, act to incorporate	854
Union, of Paducah, act to incorporate the	404
Winchester, act to incorporate	196
Tunnel and Bridge Company, Bellevue and Cincinnati, act to incorporate the, ...	1115
Turnpike, Boonesboro and Athens, in Clark county, act for benefit of	694
Road, Hodgenville and Middle Creek, in Larue county, act to incorporate the	412
roads, act authorizing Gallatin county court to keep up certain.	120
act to amend act authorizing Carroll county court to take stock in certain	374
act to authorize Clark county to receive, surrender and operate certain	339
in Bath county, act to amend act to prohibit stock running at large on	32
in Shelby county, act to provide for repair of.	835
Twenty-second and Walnut Streets Baptist Church, of Louisville, act to incorporate	576
Tyrone, in Anderson county, act to amend act to amend charter of	123
Union county, act to amend act to establish public school in Caseyville district, in	778
act to incorporate the Boxville Male and Female Seminary, in	429
act to amend act to establish public school at Morganfield, in	384
Trust Company, of Paducah, act to incorporate the	404
Uniontown Building and Loan Association, act to incorporate	780
Upper town precinct No. 2 and lower town precinct No. 1, in Daviess county, act to allow justices of peace living nearest court-house in, to hold terms of court at certain places	341

Upton, act to amend charter of	1063
Vagrants, act respecting, in Louisville	408
Vanceburg, Lewis county, act to amend charter of	812
Vincennes, Oakland City and Owensboro Railroad Company, act to incorporate the	212
Oakland City and Owensboro Railroad Company, act to amend act to authorize Owensboro to subscribe stock to the	1146
Vine Grove Seminary, in Hardin county, act to amend act to incorporate	680
Waco, College Hill and Kentucky River Turnpike Road Company, act to amend act to incorporate the	846
Walton District, in Boone county, act for benefit of justices of the peace, in	614
Walton, J. F., of Simpson county, act for benefit of	687
Warren county, act to incorporate Kittle Creek Turnpike Road Company, in	714
act to amend act to incorporate Bowling Green and Northern Railroad Company. and to authorize, to subscribe aid to said company	891
Washington county, act to amend act to incorporate Willisburg, in	464
act to incorporate the Crutcher Ford, Tunnel Mill and Rockbridge Church Turnpike Road Company, in	581
Water-works companies, act for protection of, in Fayette county	426
Wayne county, act to prohibit sale of liquor in	718
act to prohibit sale of liquor near Otter Creek Baptist Church, in	833
Pulaski and Clinton counties, act to amend act to authorize, to sub- scribe stock in any railroad company.	624
Webster county, act to repeal act to amend act to incorporate Providence, in	451
act in relation to sale of liquors in	1118
act to amend act to establish system of schools at Sebree, in	756
act for benefit of James D. Blackwell, sheriff of	412
Western Kentucky Coal and Improvement Company, act to incorporate the	386
West Liberty, act to incorporate the Licking Valley Bank, of	1192
West Point Natural Gas Company, act to incorporate.	869
West Virginia, Pineville and Tennessee Railroad Company, act to incorporate the	488
White Chimney and Stoney Creek Road Company, act to amend act to incorpo- rate	1167
White, J. J., late sheriff of Campbell county, act for benefit of	1167
White, T. M., late sheriff of Campbell county, act for benefit of	1168
Wickliffe, Cairo and Bird's Point Ferry Company, act to create and incorpo- rate	595
Williams, Wm. C., Daniel L. Cunningham and Fred. Burch, of Grant county, act for benefit of	38
Williamsburg Institute, act to incorporate	872
Williamstown graded free school district, act for benefit of the	443
Willow Church Turnpike Road Company, act to incorporate	782
Willisburg, Washington county, act to amend act to incorporate	464

Wilmore and Kentucky River Turnpike Road Company, in Jessamine county, act to amend act to incorporate	917
Winchester Trust Company, act to incorporate	196
Wolfe, Menefee and Powell counties, act to amend act to regulate sale of liquors so far as applies to	575
Woodford county, act to amend charter of Grier's Creek Turnpike Road Com- pany, in	431
Yosemite and Dunnville, in Casey county, act to prohibit sale of liquors near turnpike road between	197



